

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Madeleine Clayton 03/11/2002
Departmental Forms Clearance Officer
Office of the Chief Information Officer
14th and Constitution Ave. NW.
Room 6086
Washington, DC 20230

In accordance with the Paperwork Reduction Act, OMB has taken the following action on your request for approval of a revision of an information collection received on 01/10/2002.

TITLE: Individual Fishing Quotas for Pacific Halibut and Sablefish in the Alaska Fisheries

AGENCY FORM NUMBER(S): None

ACTION : APPROVED

OMB NO.: 0648-0272

EXPIRATION DATE: 03/31/2005

BURDEN	RESPONSES	BURDEN HOURS	BURDEN COSTS
Previous	81,010	22,775	126
New	46,718	13,249	82
Difference	-34,292	-9,526	-44
Program Change		0	0
Adjustment		-9,526	-44

TERMS OF CLEARANCE: None

NOTE: The agency is required to display the OMB control number and inform respondents of its legal significance (see 5 CFR 1320.5(b)).

OMB Authorizing Official Title

Donald R. Arbuckle Deputy Administrator, Office of
Information and Regulatory Affairs

PAPERWORK REDUCTION ACT SUBMISSION

Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the supporting statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

1. Agency/Subagency originating request	2. OMB control number b. <input type="checkbox"/> None a. _____ - _____
3. Type of information collection (<i>check one</i>) a. <input type="checkbox"/> New Collection b. <input type="checkbox"/> Revision of a currently approved collection c. <input type="checkbox"/> Extension of a currently approved collection d. <input type="checkbox"/> Reinstatement, without change, of a previously approved collection for which approval has expired e. <input type="checkbox"/> Reinstatement, with change, of a previously approved collection for which approval has expired f. <input type="checkbox"/> Existing collection in use without an OMB control number For b-f, note Item A2 of Supporting Statement instructions	4. Type of review requested (<i>check one</i>) a. <input type="checkbox"/> Regular submission b. <input type="checkbox"/> Emergency - Approval requested by _____ / _____ / _____ c. <input type="checkbox"/> Delegated
	5. Small entities Will this information collection have a significant economic impact on a substantial number of small entities? <input type="checkbox"/> Yes <input type="checkbox"/> No
	6. Requested expiration date a. <input type="checkbox"/> Three years from approval date b. <input type="checkbox"/> Other Specify: _____ / _____
7. Title	
8. Agency form number(s) (<i>if applicable</i>)	
9. Keywords	
10. Abstract	
11. Affected public (<i>Mark primary with "P" and all others that apply with "x"</i>) a. <input type="checkbox"/> Individuals or households d. <input type="checkbox"/> Farms b. <input type="checkbox"/> Business or other for-profit e. <input type="checkbox"/> Federal Government c. <input type="checkbox"/> Not-for-profit institutions f. <input type="checkbox"/> State, Local or Tribal Government	12. Obligation to respond (<i>check one</i>) a. <input type="checkbox"/> Voluntary b. <input type="checkbox"/> Required to obtain or retain benefits c. <input type="checkbox"/> Mandatory
13. Annual recordkeeping and reporting burden a. Number of respondents _____ b. Total annual responses _____ 1. Percentage of these responses collected electronically _____ % c. Total annual hours requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____	14. Annual reporting and recordkeeping cost burden (<i>in thousands of dollars</i>) a. Total annualized capital/startup costs _____ b. Total annual costs (O&M) _____ c. Total annualized cost requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____
15. Purpose of information collection (<i>Mark primary with "P" and all others that apply with "X"</i>) a. <input type="checkbox"/> Application for benefits e. <input type="checkbox"/> Program planning or management b. <input type="checkbox"/> Program evaluation f. <input type="checkbox"/> Research c. <input type="checkbox"/> General purpose statistics g. <input type="checkbox"/> Regulatory or compliance d. <input type="checkbox"/> Audit	16. Frequency of recordkeeping or reporting (<i>check all that apply</i>) a. <input type="checkbox"/> Recordkeeping b. <input type="checkbox"/> Third party disclosure c. <input type="checkbox"/> Reporting 1. <input type="checkbox"/> On occasion 2. <input type="checkbox"/> Weekly 3. <input type="checkbox"/> Monthly 4. <input type="checkbox"/> Quarterly 5. <input type="checkbox"/> Semi-annually 6. <input type="checkbox"/> Annually 7. <input type="checkbox"/> Biennially 8. <input type="checkbox"/> Other (describe) _____
17. Statistical methods Does this information collection employ statistical methods <input type="checkbox"/> Yes <input type="checkbox"/> No	18. Agency Contact (person who can best answer questions regarding the content of this submission) Name: _____ Phone: _____

19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal Agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9

NOTE: The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8(b)(3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It used plain, coherent, and unambiguous terminology that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention period for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3):
 - (i) Why the information is being collected;
 - (ii) Use of information;
 - (iii) Burden estimate;
 - (iv) Nature of response (voluntary, required for a benefit, mandatory);
 - (v) Nature and extent of confidentiality; and
 - (vi) Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of instructions);
- (i) It uses effective and efficient statistical survey methodology; and
- (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of the provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

Signature of Senior Official or designee

Date

Agency Certification (signature of Assistant Administrator or head of MB staff for L.O.s, or of the Director of a Program or Staff Office)	
Signature	Date
Signature of NOAA Clearance Officer	
Signature	Date

**SUPPORTING STATEMENT
PACIFIC HALIBUT AND SABLEFISH INDIVIDUAL FISHING QUOTAS
AND CDQ HALIBUT IN THE WATERS OFF ALASKA**

OMB CONTROL NO. 0648-0272

INTRODUCTION

This statement supports the renewal of the halibut management portion of the CDQ program and to the management of halibut and sablefish through the IFQ program under OMB Control No. 0648-0272.

Individual Fishery Quota (IFQ) Program

The Individual Fishery Quota (IFQ) program was implemented under the Magnuson Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands (BSAI FMP) and the Fishery Management Plan for Groundfish of the Gulf of Alaska (GOA FMP). The FMPs were prepared by the North Pacific Fishery Management Council (Council) and are implemented by regulations at 50 CFR part 679. The domestic fishery for Pacific halibut off Alaska is managed by the International Pacific Halibut Commission (IPHC) as provided by the Northern Pacific Halibut Act. The IFQ Program provides management measures for the commercial fisheries that use fixed gear to harvest sablefish and halibut. Fishermen are assigned Quota Shares (QS) for the fisheries, and then are allocated annual total catch limits for the Pacific halibut and sablefish fisheries.

The Western Alaska CDQ Program

The CDQ program is implemented under the Magnuson-Stevens Act and the BSAI FMP and are implemented by regulations at 50 CFR 679. The goals and purpose of the CDQ program are to allocate a portion of the quotas for groundfish, halibut, crab, and prohibited species in the BSAI to Western Alaska communities to provide the means for starting or supporting commercial fisheries business activities that will result in an ongoing, regionally based, fisheries-related economy. This document supports required permitting and reporting related to CDQ halibut allocations as described under 679.32(f). These requirements include requirements for: a CDQ halibut permit for CDQ groups, a copy of which must be on board a CDQ halibut harvesting vessel; a CDQ card issued to individuals making halibut CDQ landings; and a Registered Buyer permit issued to persons who are receiving CDQ halibut from harvesters or for harvesters making their own landings under certain conditions; and electronic reporting of CDQ halibut. Authority for these collections for CDQ halibut has been in place since the inception of the IFQ/CDQ halibut program (the final rule was published in the Federal Register in November

1993). The collections of information related to all other CDQ species is addressed in OMB No. 0648-0269.

A. JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary.

The IFQ program and CDQ halibut program were created to resolve various conservation and management problems that stem from using an "open access" regulatory regime that allows free access to the common property fishery resources. These management schemes include permits and recordkeeping and reporting. Prior to implementing the IFQ program it was necessary to collect information to determine eligibility for QS and of the amounts that should be allocated to each qualified applicant. To make these determinations, interested persons submitted applications providing the required information and indicating their interest in the fishery. In response, NMFS issued permits.

2. Explain how, by whom, how frequently, and for what purpose the information will be used.

IFQ/CDQ Halibut Card and IFQ Sablefish Card

This landing card is required for persons who are harvesting IFQ fish or CDQ halibut. IFQ/CDQ halibut cards are issued at no cost and without application: annually and/or following transfers for individual IFQ permit holders; or on approved application for a card for a hired skipper submitted by non-individual permit holders, and (where allowed) by individual permit holders. The request for the USCG Abstract of Title is a data element requested on the application for an additional (hired skipper) IFQ card and which received authorization under the prior PRA submission for renewal of 0648-0272. This Abstract of Title is necessary to determine percentage of vessel ownership for purposes of the hired skipper provisions of the IFQ program. The final rule revising the hired skipper provisions to require 20% vessel ownership was published at 64 FR 24960 on May 10, 1999.

Authorized individuals and their cards must be on the vessels while CDQ halibut or IFQ fishing and landings are conducted. IFQ and CDQ halibut cards are imprinted with coded magnetic information for use with automated transaction terminals (ATMs) as part of an electronic reporting system.

Application for IFQ/CDQ Landing Card

Block A – Purpose of application

Indicate whether cardholder is being added or removed

Block B – Permit Holder Information

IFQ ID number

SSN or Tax ID number

Sablefish permit number and vessel category

Halibut permit number and vessel category

Permit holder name, DOB, phone/FAX, mailing address and indicate
if temporary or permanent

Block C – Card Holder Information

IFQ ID number

SSN number

Sablefish permit number and vessel category

Halibut permit number and vessel category

Cardholder name, DOB, phone/FAX, mailing address and indicate
if temporary or permanent

Block D – Identification of Vessel upon which IFQ Will be Fished

Vessel name, LOA, ADF&G number, USCG number

(The applicant must also submit a current copy of USCG Abstract of Title or
Documentation demonstrating the percentage of the permit holder's
ownership interest in the named vessel.)

Block E – Certification of Permit Holder and Notary

Signature and printed name of applicant, and date signed

Signature, commission expiration date, and stamp of notary public

Application for IFQ/CDQ Landing Card											
Type of report	Total annual responses	Cost									
		Hours		To Submit		Photo-copy		Notary		Personnel	
		per response	Total	mail	Total	each	Total	each	Total	\$ per hour	Total \$
form	1,000	0.5	500	\$0.35	\$350	\$0.10 x 2	\$200	\$5	\$5,000	\$20	0.5 x \$20 = 10 \$10 x 1,000 = \$10,000

Registered Buyer Permit

This permit authorizes a person to receive IFQ halibut or sablefish or CDQ halibut from the person that harvested the fish. The permit is also required of any person who harvests IFQ halibut or sablefish or CDQ halibut and transfers such fish: in a dockside sale; outside of an IFQ regulatory area; or outside of the State of Alaska. Permits are non-transferable, renewed annually or issued on request, and at no cost. Each buying station, mothership, shoreside processor, or stationary floating processor that receives IFQ fish or CDQ halibut is required to have its own Registered Buyer permit. Entities receiving IFQ fish or CDQ halibut at locations

outside Alaska do not need these permits and are not issued to them in such cases because the deliverer is required to be a registered buyer.

Application for IFQ/CDQ Registered Buyer Permit

Is this application a renewal?

If yes, indicate registered buyer number and IFQ ID number

Block A -- Type of Activity

Check anticipated registered buyer activity

Block B -- Applicant Identification

Name and SSN or Tax ID number of registered buyer

Name of contact person

Business mailing address and whether permanent or temporary

Site or physical address if other than mailing

Business Phone and FAX

Message phone

Whether applicant possesses an ATM

If yes, indicate serial numbers for terminal and printer

Block C -- Signature

Signature and printed name of applicant and date signed

Application for IFQ/CDQ Registered Buyer Permit									
Type of report	Total annual responses	Cost							
		Hours		To Submit		Photo-copy		Personnel	
		per response	Total	mail	Total	each	Total	\$ per hour	Total \$
form	800	0.5	400	\$0.35	\$280	\$0.10 x 1	\$80	\$20	0.5 x \$20 = 10 \$10 x 800 = \$8,000

Quota Share (QS) Permit.

QS was initially issued to persons who owned or leased vessels that made legal commercial fixed-gear landings of Pacific halibut or sablefish during 1988-1990 off Alaska. QS is transferable to other initial issues or to those who have become transfer-eligible on NMFS' approval of an Application for Transfer Eligibility Certificate. Once issued to a person (at no charge), QS is held by that person until it is transferred, suspended, or revoked.

Request for Application for Quota Share (Forms A through D) (formerly Quota Share Application)

Prior to the end of the application period to apply for IFQ Quota Share which ended July 15, 1994, the "QS Application" was used to assess eligibility to receive QS. That form was replaced by the "Request for Application for Quota Share (Forms A through D)" and is used by persons who still may wish to claim eligibility, while providing NMFS with a means to issue an initial

administrative determination on such claims. Very few persons, if any, are expected to file this application. Applicants submit Form D plus one of Forms A, B, or C, depending on the type of “person” represented by each applicant.

Request for Application for Quota Share

Form A: Form for Individuals

Name, social security number (SSN), and date of birth of applicant

Business address, telephone, and FAX

Signature of Applicant, date signed

If this application is made on behalf of the estate of a deceased fisherman:

 Date of death

 SSN of decedent

 Name and address of Estate’s authorized representative

Signature of Estate representative, date signed

Form B: Form for Existing Corporations or Partnerships

Name of corporation or partnership

Business address, telephone number, FAX number, and Federal Tax ID number

Date of incorporation or partnership agreement

Name and signature of registered agent or partner and date signed

Form C: Form for Dissolved Corporations or Partnerships

Business name and Tax ID number

Whether business was a corporation or partnership

Date of incorporation or partnership agreement

Date of dissolution

Names, SSNs, Business addresses, and ownership percentage shareholders
 or partners

Name and signature of applicant, Date signed

Form D: Vessel Information Form

Vessel name, ADF&G vessel number, USCG vessel number

Registration number in other states: state and registration number

Owner’s name and business address

Vessel purchase date, if sold, date of sale, length overall

Whether vessel is a processor

Freezer capacity (in cubic feet)

Whether leased to or by the applicant

Lessees’ name, address, telephone number, begin and end date of lease

Name and signature of applicant and date signed

Request for Application for Quota Share (Forms A through D)									
Type of report form	Total annual responses	Cost							
		Hours		To Submit		To photo-copy		Personnel	
		per response	Total	Mail	Total	each	Total	\$ per hour	Total \$
Forms A+D: Individuals	2	1	2	0.35	0.70	\$0.10 x 2	\$0.40	\$20	1 x \$20 = \$20 \$20 x 2 = \$40
Forms B+D: Existing Corporations or Partnerships	2	1	2	0.35	0.70	\$0.10 x 2	\$0.40	\$20	1 x \$20 = \$20 \$20 x 2 = \$40
Forms C+D: Dissolved Corporations or Partnerships	2	1	2	0.35	0.70	\$0.10 x 2	\$0.40	\$20	1 x \$20 = \$20 \$20 x 2 = \$40

File an Appeal on a QS Application.

New information in the QS application is compared with data compiled by NMFS. If any new data presented in an application are not consistent with the NMFS-compiled data, the applicant is notified of insufficient documentation and is provided 90 days opportunity to support his or her claim. If a claim remains unsupported after the time limit expires, the claim is denied. The applicant is offered 60 days in which to appeal. This appeals process provides the necessary due process for aggrieved applicants. A printed form is not used for an appeal. The applicant is required to request by letter that the IFQ Appeals Officer review the case of the QS applicant. NMFS' Office of Administrative Appeals recently completed the last received IFQ appeal and no new appeals have been submitted in several years. The number of expected responses has been reduced to authorize any residual appeal activity.

Letter of Appeal									
Type of report	Total annual responses	Cost							
		Hours		To Submit		Photo-copy		Personnel	
		per response	Total	mail	Total	each	Total	\$ per hour	Total \$
letter	2	4	8	\$0.35	\$0.70	\$0.10 x 6	\$1.20	\$20	4 x \$20 = 80 \$80 x 2 = \$160

QS/IFQ Designated Beneficiary Form.

The current IFQ program offers survivorship benefits to spouses only. The Designated Beneficiary form is a new form published in a notice presented for public comment June 14, 2001 (66 FR 32318) in the Federal Register. The purpose of this optional form is new constituent benefits provided under the IFQ Program that are proposed under Amendments 54/54 to the groundfish FMPs for Federal fisheries off Alaska. The anticipated Amendments would expand survivorship privileges to additional immediate family members. QS holders may provide NMFS with the name of a designated beneficiary to receive survivorship transfer privileges in the event of the QS holder's death. If the QS holder does not leave a surviving spouse, he/she may name an immediate family member to be the beneficiary.

NMFS will allow the transfer of IFQ only (lease) of any QS/IFQ transferred to the beneficiary by right of survivorship, for a period of 3 years following the death of the original QS holder. This information is necessary to provide temporary transfer privileges to families of deceased QS holders in the absence of a surviving spouse.

QS/IFQ Beneficiary Designation Form									
Type of report:	Total annual responses	Cost							
		Hours		To Submit		Photo-copy		Personnel	
		per response	Total	mail	Total	each	Total	\$ per hour	Total \$
form	1,000	0.5	500	\$0.35	\$350	\$0.10 x 2	\$200	\$20	0.5 x \$20 = 10 \$10 x 1,000 = \$10,000

QS Holder Form: Identification of Ownership Interest.

Corporations, partnerships, and other non-individual entities (hereafter referred to as entities) must complete the QS Holder form initially to verify eligibility to participate in the halibut and sablefish IFQ Program or CDQ halibut program:

- To determine if persons who hold QS have exceeded their allowable use limits;
- To determine if the status of an entity has changed. With certain changes to an entity that holds catcher vessel QS, the entity may no longer hire a skipper to fish the IFQ resulting from the QS it holds and must transfer its QS to a qualified individual. Entities that have been issued QS but have either been dissolved or have acquired additional shareholders or partners are not eligible to fish the IFQ resulting from that QS. Any “changes,” as defined at 50 CFR part 679.42(j), in the structure of the entity must be reported to NMFS within 15 days of the change. The number of first-time responses has been reduced to reflect current program activity. The requirement that entities who hold QS must complete the QS Holder form annually is new. In addition to the information needs for first time applicants, annual collections of this information will enable NMFS to determine compliance with the following requirements:

- To affirm the entity’s continuing existence;
- To ensure corporations and partnerships are not erroneously issued annual IFQ resulting from the collectively held QS; and
- To determine indirect ownership of vessels for purposes of the hired skipper provisions of the IFQ program. The final rule revising the hired skipper provisions to require 20% vessel ownership to hire a skipper, including documentation of vessel ownership percentage, was published at 64 FR 24960, May 10, 1999. Amendments 54/54, for which the proposed rule has not yet been published, contain the indirect vessel ownership provision.

QS Holder form: Identification of Ownership Interest

Whether business is a publicly held corporation

Whether a corporation or partnership is still active

Whether an estate that has been probated

Name of all shareholders, partners, joint venturers, and
successor-in-interest

SSN or IFQ ID or Tax ID and of each

Percent of interest held by each

Whether ownership percentages represent the addition of any new
owners since QS was initially issued

Signature, printed name, and title and date of signature –

which constitutes a sworn affidavit that the information is true

Signature, commission expiration date, and stamp of notary public

QS Holder: Identification of Ownership Interest											
Type of report	Total annual responses	Cost									
		Hours		To Submit		To Photo-copy		Notary		Personnel	
		per response	Total	mail	Total	each	Total	each	Total	\$ per hour	Total \$
form	25	2	50	\$0.35	\$9	0.10 x 1	\$2.50	\$5	\$125	\$20	2 x \$20 = 40 \$40 x 25 = \$1,000

Annual Updates on the Status of Corporations and Partnerships QS											
Type of report	Total annual responses	Cost									
		Hours		To Submit		To Photo-copy		Notary		Personnel	
		per response	Total	mail	Total	each	Total	each	Total	\$ per hour	Total \$
form	500	0.5	250	\$0.35	\$175	\$0.10 x 1	\$50	\$5	\$2,500	\$20	0.5 x \$20 = 10 \$10 x 500 = \$5,000

Application for QS/IFQ Transfer Eligibility Certificate (TEC) (formerly IFQ crew member eligibility)

When an individual did not receive initial allocations of QS but worked as a crew member harvesting IFQ species, he or she may qualify to receive QS by transfer. To be eligible to obtain a TEC for categories B, C, and D QS, a person must have worked 150 or more days as part of a harvesting crew in any U.S. commercial fishery. To be eligible to obtain a TEC for category A QS, a person does not need to meet any harvesting requirements. This field was renamed because we now use a universal number for all permitting programs, etc. It would be provided by the applicant, or newly assigned by NMFS if the person is new to the Alaska Region (i.e., not known to us for other permitting or vessel ownership or reporting purposes).

Application for QS/IFQ Transfer Eligibility Certificate (TEC)

Block A — Applicant Information

Name, DOB, SSN or Tax ID number
NMFS Person ID
Permanent Mailing Address

Address to which you want TEC documents sent if other than permanent address
 Business Phone and FAX numbers
 Whether a U.S. citizen, corporation, partnership, association, or business entity

Block B — Freezer Shares

Whether this TEC is intended for an entity that wishes to buy or lease only category A shares

Block C — Notary Certification

Printed name and signature of applicant or authorized agent
 Date signed
 Notary public signature, commission expiration date, and notary seal

Blocks D & E — Commercial Fishing Experience

Species
 Gear type
 Location
 Begin date and end date of fishing experience
 Number of days spent harvesting fish
 Duties performed while directly involved in the harvesting of fish
 Vessel name and ADF&G or USCG number
 Name of vessel owner and operator
 Reference name, relationship, address, and telephone

Application for QS/IFQ TEC											
Type of report	Total annual responses	Cost									
		Hours		To Submit		Photo-copy		Notary		Personnel	
		per response	Total	mail	Total	each	Total	each	Total	\$ per hr	Total \$
form	200	2	400	\$0.35	\$70	\$0.10 X 2	\$40	\$5	\$1,000	\$20	2 x \$20 = 40 \$40 x 200 = \$8,000

Application for Transfer of QS and IFQ

Transfer of QS and IFQ are regulated to prevent over-consolidation, to accommodate divestiture requirements at 50 CFR part 679.42(j), to promote an owner-operator IFQ fleet, and to allow new entrants into the fishery. The information required by this application is necessary to ensure that QS and IFQ are transferred in compliance with the regulations governing the buying and selling of QS and the leasing of IFQ.

Transfer Upon Deceased QS Holder (Formerly Notification of Inheritance of QS: Any person that receives title to QS by inheritance or court order must notify NMFS and provide an affidavit, court order, or some other form of substantiating evidence supporting the transaction. Any person that receives title to QS in this manner may not use the IFQ resulting from it to harvest sablefish or halibut with fixed gear until the QS transfer is approved by NMFS. Any person that wishes to substantiate the death or dissolution of a QS holder, or that receives title to

QS by inheritance or court order and that wishes to transfer title to the QS on behalf of the deceased person or his/her estate, must:

- (a) Request a transfer to NMFS for approval under rules that govern the IFQ program;
- (b) Establish the death or dissolution of the QS holder; and
- (c) Provide proof of representation to conduct such business as authorized by the Court or other appropriate authorizing body.

QS/IFQ Transfer Application. Collectively held QS must be transferred to a qualified individual upon any change in a corporation or partnership.

Application for Transfer of QS and IFQ

Block A -- Transfer Eligibility Certificate

Whether seller holds a TEC

Block B -- Attachment Checklist

Block C -- Transferor (Seller) Information

Seller's name, DOB, SSN or Tax ID number,

IFQ ID number

Permanent mailing address

Address to send documents if other than permanent address

Home and business telephone numbers, FAX number

Block D -- Transferee (Buyer) Information

Buyer's name, IFQ ID number, DOB, SSN or Tax ID number

Permanent mailing address

Address to send documents if other than permanent address

Home and business telephone numbers, FAX number

Block E -- Questions for Transferee (Buyer)

Whether request that this QS be included in a sweep-up

If yes, ID on QS certificate into which this new piece
should be transferred

If this is Catcher vessel CDQ compensation QS and the vessel category
has never been declared, indicate vessel category in which you would
like to have your QS issued

Block F -- Identification of QS and IFQ to be Transferred

Halibut or sablefish

IFQ Regulatory area

Vessel category

Number of units to be transferred

Seller IFQ permit number

Start and end serial numbers of QS to be transferred

Whether all pounds for the current fishing year should be transferred

If no, number of pounds to be transferred

Block G -- Transfer of IFQ only

Halibut or sablefish

IFQ regulatory area

Number of units to be transferred

Start and end serial numbers of QS to be transferred

Actual number of IFQ pounds

Seller IFQ permit number

Fishing year

Block H -- Questions for Transferor (Seller)

Is a broker being used
If yes, how much is paid in brokerage fees or % of total price
Total amount being paid in this transaction, including all fees
Price per unit QS/IFQ
Price per pound of IFQ
Indicate reasons for transfer

Block I -- Questions for Transferee (Buyer)

Will QS/IFQ will have lien attached
If yes, name of lien holder
Primary source of financing this transfer
How was QS/IFQ located
Transferee's (Buyer's) relationship to QS/IFQ Transferor (Seller)
Whether any agreement exists for the return of QS/IFQ to
Transferor (Seller) or any other person or a condition placed on resale
If yes, explain

Blocks J & K -- Transferor (Seller) and Transferee (Buyer) Signature Blocks

Signatures, printed names, date signed
Notary name, commission expiration and stamp for each signature

Application for Transfer of QS/IFQ by Sweep-up (short form)

This form is a short form of the Application for Transfer of QS/IFQ to be used by persons who wish to combine two blocks they currently hold into a single block. To be combined, QS must be in the same vessel category, and the resulting block size must not exceed the sweep-up limits (see Block B).

Application for Transfer of QS/IFQ by Sweep-up (short form)

Block A -- Instructions

Block B -- Sweep-up limits

Block C -- Applicant information

Applicant name, DOB, IFQ ID number, SSN or Tax ID number
Permanent Address
Address to send documents if other than Permanent Address
Home and business telephones, FAX number

Block D -- First Quota Shore Block

Halibut or sablefish
IFQ Regulatory area
Vessel category
Number of QS units to be swept up
Start and end serial numbers of QS to be transferred

Block E -- Second Quota share Block

Halibut or sablefish
IFQ Regulatory area
Vessel category
Number of QS units to be swept up
Start and end serial numbers of QS to be transferred

Block F -- Certification of Notary and Application

Signature and printed name of QS holder, date signed
Signature, commission expiration date, and stamp of notary public

Application for Transfer of QS/IFQ [includes sweep-up]											
Type of report	Total annual responses	Cost									
		Hours		To Submit		To Photo-copy		Notary		Personnel	
		per response	Total	mail	Total	each	Total	each	Total	\$ per hour	Total \$
form	1,000	2	2,000	\$0.35	\$350	\$0.10 x 4	\$400	\$5	\$5,000	\$20	2 x \$20 = \$40 \$40 x 1,000 = \$40,000

Application for replacement of certificates, permits, or cards

Lost QS Certificates, IFQ Permits, or IFQ cards can be replaced by request to NMFS. This method for replacement is integral to the IFQ program.

Application for replacement of certificates, permits, or cards

Name, DOB, SSN or Tax ID number, IFQ ID number

Business address; indicate if temporary or permanent

Business telephone/business FAX

Indicate certificates, card, or permits to be replaced

Reason for replacement request

Signature and printed name of applicant and date signed

Signature, commission expiration date, and stamp of notary

Application for replacement of certificates, permits, or cards											
Type of report	Total annual responses	Cost									
		Hours		To Submit		To Photocopy		Notary		Personnel	
		per response	Total	mail	Total	each	Total	each	Total	\$ per hr	Total \$
form	1,000	0.5	500	\$0.35	\$350	\$0.10 x 1	\$100	\$5	\$5,000	\$20	0.5 x 20 = \$10 10 x \$1,000 = \$10,000

Request for Automated Transaction Terminal/Printer (ATM)

This form is used to request that an ATM be supplied by NMFS. ATMs are required to submit IFQ halibut, IFQ sablefish, and CDQ halibut landing reports. The number of ATMs available from NMFS may not always be sufficient to meet all requests. NMFS requests the address or location of expected activity to determine an appropriate location for a single ATM in a convenient public place, such as a Harbor master office, to meet the needs of multiple applicants. When an ATM is supplied by NMFS, the ATM remains the property of the U.S. Government.

Request for Transaction Terminal

Name of business
 Business mailing address
 Name of contact person
 Business telephone and business FAX
 Registered Buyer permit number
 Terminal location; whether fixed or mobile
 If fixed, physical address where terminal will be located
 If mobile, location of expected activity (lat/long or primary port)
 Signature, printed name, and title of representative and date signed

Request for Automated Transaction Terminal									
Type of report	Total annual responses	Cost							
		Hours		To Submit		To Photo-copy		Personnel	
		per response	Total	mail	Total	each	Total	\$ per hour	Total \$
form	10	0.5	5	\$0.35	\$1.75	\$0.10 x 1	\$1.00	\$20	0.5 x \$20 = \$10 \$10 x 10 = \$100

IFQ Administrative Waiver

An administrative waiver is received by telephone at a Government-provided toll-free number (or, in rare cases, by marine radio) from a Federally permitted fisherman. A waiver is granted at the discretion of a NOAA Office of Fisheries Enforcement (NOFE) officer. An administrative waiver is possible for each of the following requirements:

- Six-hour Prior of Notice of Landing - issued to a vessel to land fish before the required 6 hours;
- 12-hour IFQ Landing Window - issued to a vessel that lands fish after hours: after 1800 and before 0600.
- Electronic Landing Report requirement - issued to allow a FAX report due to transaction terminal failure.
- IFQ cardholder onboard requirement - issued for the IFQ cardholder to not be on board in extreme personal emergencies.
- Vessel clearance at a primary port - issued to obtain a vessel clearance at a port other than a primary port.

IFQ Administrative Waiver

Date and time of waiver
 Vessel name and ADF&G vessel number
 All IFQ permit numbers
 Prior Notice confirmation number (if applicable)
 Registered Buyer name and permit number (if applicable)
 Requirement being waived.

IFQ Administrative Waiver					
Type of report:	Total annual responses	Cost			
		Hours		Personnel	
		per response	Total	\$ per hour	Total \$
toll-free telephone or (rarely) marine radio	1,000	0.1	100	\$20	0.1 x \$20 = \$2 \$2 x 1000 = \$2,000

Recordkeeping and Reporting

Reports are required, when applicable, to monitor catches of halibut and sablefish to determine: individual compliance; that the amount of fish being taken does not fall under the definition of overfishing for the fishery; and that the program is effective in accomplishing the goal of reducing fishing effort in the halibut and sablefish fisheries off Alaska. These reports are prior notice of landing; landing report, shipment report, transshipment authorization, vessel clearance, and departure report.

IFQ/CDQ Prior Notice of Landing.

The operator of a vessel making an IFQ landing must submit a prior notice of landing (PNOL) to NOFE, Juneau, by toll-free telephone or the marine operator, no fewer than 6 hours before landing IFQ halibut, IFQ sablefish, or CDQ halibut unless an administrative waiver is granted by the clearing officer. Exemptions for submittal of the prior notice of landing are authorized for fishermen landing under 500 lb of halibut incidentally with legal landings of ling cod harvested with dinglebar gear and legal landings of salmon. When the computer identifies a PNOL exemption during a landing transaction, it does not issue a notice of violation to be investigated by NOFE for that landing.

The PNOL alerts NOFE of legal landings and allows monitoring personnel to query the IFQ data center to determine if the permit holder has enough IFQ pounds available in the account to cover the amount being landed and to afford the opportunity to observe the offload.

Information on gear type is a new data element being added to the PNOL. Data on gear type are necessary to ensure compliance with the PNOL requirement, because some reporting exemptions are gear-based. Also, such data are used by the IPHC to assist with harvest monitoring, and by NMFS and the Council to show gear use, project bycatch rates for non-IFQ fish in the IFQ fishery, and to support analyses for seasonal apportionments and other allocation proposals.

IFQ/CDQ Prior notice of landing

- Vessel name and ADF&G vessel registration number;
- Name and permit number of the registered buyer who will be responsible for completion and submission of IFQ Landing Report(s);

Landing information

Location of the landing (port name)

Date and offload time that landing will take place

Landing directions;

Gear type reported by the cardholder (NEW)

Species code, estimated weight of the IFQ halibut or IFQ sablefish (lb) that will be landed;

IFQ regulatory area(s) in which the IFQ halibut or IFQ sablefish were harvested;

IFQ permit number(s) that will be used to land the IFQ halibut or IFQ sablefish;

Prior Notice of IFQ Landing					
Type of report	Total annual responses	Cost			
		Hours		Personnel	
		per response	Total	\$ per hour	Total \$
toll-free telephone	10,000	0.2	2,000	\$20	0.2 x \$20 = \$4 \$4 x 10,000 = \$40,000

IFQ/CDQ Landing report

A cardholder must initiate submittal of an IFQ/CDQ landing report at an ATM by using his or her own magnetic strip card and personal identification number (PIN). A registered buyer must submit the landing report within 6 hours after all such fish are landed and prior to shipment or departure of the delivery vessel from the landing site. Submittal electronically is required, although a manual landing report may be submitted by FAX upon approval of an administrative waiver by a NOFE officer. Both methods contain the same information requirements.

The ATM information is automatically provided to the NMFS database for timely fishery monitoring driven by custom-designed software, provided and/or specified by NMFS, Alaska Region. The ATMs are equipped with printers so that copies of the transaction are available for the registered buyer. Some information is automatically derived from the IFQ card, CDQ halibut card, or the IFQ/CDQ database when the ATM procedure is used. This electronic system enables immediate confirmation that adequate IFQ pounds exist in the account to cover the landing and affords the cardholder instant access to updated account information.

Electronic landing report.

Information automatically transmitted by software

Date, time, and location of the IFQ landing

(port code or if at sea, latitude and longitude);

Information encoded on individual cards and entered automatically once card is swiped through terminal

Species

Name and permit number of the IFQ card holder

IFQ regulatory area for which cardholder possesses IFQ

Information entered by IFQ cardholder or registered buyer on terminal

PIN number (IFQ cardholder only)

Harvesting vessel's name and ADF&G vessel registration number

Name and permit number of registered buyer receiving the IFQ species

ADF&G statistical area of harvest reported by the IFQ cardholder

If ADF&G statistical area is bisected by a line dividing two IFQ regulatory areas,

the IFQ regulatory area of harvest reported by the IFQ cardholder

for each ADF&G statistical area of harvest,

the species codes,

product codes, and

initial accurate scale weight (in pounds) made at the time

offloading commences

for IFQ species sold and retained

Gear type reported by cardholder to harvest IFQ species

Alaska State fish ticket number(s) for the landing

Whether ice and slime is included in the weight of the fish as offloaded from the vessel

Whether IFQ halibut is incidental catch concurrent with legal landing of salmon or concurrent with legal landing of ling cod harvested using dinglebar gear

Signature of registered buyer representative

Signature of IFQ/CDQ card holder

Manual landing report

When a waiver is issued, the following additional information is required to complete a landing report using a manual landing report:

Whether the manual landing report is an original or revised

Name, telephone number, and FAX number of individual submitting the manual landing report

IFQ/CDQ Landing Report					
Type of report	Total annual responses	Cost			
		Hours		Personnel	
		per response	Total	\$ per hour	Total \$
ATM (or FAX submittal on receipt of an Administrative Waiver)	15,000	0.2	3,000	\$20	0.2 x \$20 = \$4 \$4 x 15,000 = \$60,000

IFQ/CDQ Vessel Clearance

A vessel clearance requires that a vessel go in to a port to be physically cleared by a clearing officer. The vessel clearance form is completed by a clearing officer from information requested from the vessel operator.

If a vessel operator intends to make an IFQ landing at a location other than in an IFQ regulatory area or in the State of Alaska, he or she must first obtain a vessel clearance at a primary port in Alaska from a clearing officer.

In addition, if a vessel operator intends to land IFQ species in Canada, he or she must obtain a vessel clearance from a clearing officer at a primary port in Alaska and is required to make an IFQ landing only at the ports of Port Hardy, Prince Rupert, or Vancouver, British Columbia.

If a vessel operator intends to land IFQ species in a foreign port other than Canada, he or she must obtain a vessel clearance from a clearing officer at a primary port in Alaska or Bellingham, Washington.

IFQ Vessel Clearance

(completed by NOFE in person)

date, time, and location of IFQ vessel clearance
 Vessel name, ADF&G vessel registration number, and homeport
 Federal fisheries permit number
 Halibut regulatory area fished
 Estimated total weight of IFQ halibut on board (lb/kg/mt)
 Sablefish regulatory area fished
 Estimated total weight of IFQ sablefish on board (lb/kg/mt)
 Halibut IFQ permit number, sablefish IFQ permit number
 registered buyer number, and IFQ cardholder name
 Date, time and location of landing (state/province)
 Name of registered buyer submitting the landing report
 Date and signature of registered buyer;

Vessel Clearance					
Type of report	Total annual responses	Cost			
		Hours		Personnel	
		per response	Total	\$ per hour	Total \$
toll-free telephone	100	0.2	20	\$20	0.2 x \$20 = \$4 \$4 x 100 = \$400

IFQ Departure Report

A departure report is a prerequisite to vessel clearance in some circumstances. If a vessel operator intends to obtain a vessel clearance at Bellingham, Washington, he or she must first submit an IFQ departure report to a NOFE clearing officer by toll-free telephone. The IFQ departure report may be submitted only after completion of all IFQ fishing and prior to departing the waters of the EEZ adjacent to the jurisdictional waters of the State of Alaska, the territorial sea of the State of Alaska, or the internal waters of the State of Alaska.

IFQ Departure report

Date and time received
 Vessel name and ADF&G vessel registration number
 Name of person calling
 Halibut total weight on board (lb/kg/mt)

Sablefish total weight onboard (lb/kg/mt)

Intended date, time, and location for obtaining an IFQ vessel clearance

Departure Report					
Type of report	Total annual responses	Cost			
		Hours		Personnel	
		per response	Total	\$ per hour	Total \$
toll-free telephone	50	0.1	5	\$20	0.1 x \$20 = \$2 \$2 x 50 = \$100

Transshipment Authorization

If a person intends to transship processed IFQ halibut, IFQ sablefish, or CDQ halibut between vessels, authorization from a NOFE clearing officer to do so must be obtained for each instance of transshipment. The request should be made at least 24 hr before the transshipment is intended to commence.

Transshipment authorization

Time, date, and location of transshipment

Vessel name and ADF&G number transshipment from

Vessel name transshipment to

Product destination

Registered Buyer name and number

IFQ/CDQ permit numbers

Species and Product type codes and product weight of transshipment

Request date and time

Requestor's name, telephone and FAX numbers

Transshipment Authorization					
Type of report:	Total annual responses	Cost			
		Hours		Personnel	
		per response	Total	\$ per hour	Total \$
toll-free telephone	25	0.2	5	\$20	0.2 x \$20 = \$4 \$4 x 25 = \$125

IFQ/CDQ Halibut Shipment Report

Each registered buyer, other than those conducting dockside sales, must complete a written shipment report or a bill of lading containing the same information as a shipment report for each shipment or transfer of CDQ halibut, IFQ halibut and IFQ sablefish. The purpose of a shipment report is to allow NOFE to monitor and inspect shipments of fish to verify proper accounting for fish landings.

IFQ/CDQ Shipment Report

Whether original or revised report

Shipment date

Registered Buyer name, permit number, address, FAX number

Signature of Registered buyer or Registered buyer's representative

Receiver's name and address

Mode of transportation and intended route (enter name of shipping company or entity that is transporting the shipment)

If by air, enter the name of the airline, flight number, departure and arrival airport locations

If by containerized van, enter the name of the shipping company, name of the vessel transporting the van, and departure and arrival ports

If by vessel, enter the name of the shipping company if applicable, name of the transporting vessel, and the departure and arrival ports.

If by ground transportation, enter the name of the shipping or trucking company, and departure and arrival locations.

Species codes and product codes of IFQ/CDQ species;

Total number of production units (blocks, trays, pans, individual fish, boxes, or cartons; if iced, enter number of totes or containers).

Unit weight (weight of single production unit as listed in "No. of Units"); indicate whether metric tons or pounds;

Total fish product weight of shipment less packing materials; indicate whether metric tons or pounds.

IFQ/CDQ Shipment Report							
Type of report	Total annual responses	Cost					
		Hours		To Submit		Personnel	
		per response	Total	FAX	Total	\$ per hour	Total \$
form	10,000	0.3	3,000	\$6	\$60,000	\$20	0.3 x \$20 = 6 \$6 x 10,000 = \$60,000

Dockside sales receipt

A person holding a valid IFQ permit, IFQ card, and registered buyer permit may conduct a dockside sale of IFQ halibut or IFQ sablefish to a person who has not been issued a registered buyer permit and must issue a dockside sales receipt in lieu of a shipment report. The purpose of

reporting the amount of IFQ fish involved in a dockside sale is to provide NOFE with the ability to monitor and inspect the shipment of IFQ fish to determine whether there was proper accounting for all IFQ fish landed.

Dockside sales receipt

Date of sale or transfer
 Registered buyer permit number
 Fish product weight of the IFQ sablefish or IFQ/CDQ halibut transferred to each individual
 Species code
 Product type
 Number of shipping units
 Name of shipper
 Details of the shipping means and route
 Confirmation number issued by the credit card transaction

Dockside Sales Receipt					
Type of report	Total annual responses	Cost			
		Hours		Personnel	
		per response	Total	\$ per hour	Total \$
written record	5,000	0.1	500	\$20	0.1 x \$20 = \$2 \$2 x 5,000 = \$10,000

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.

The landing reports are submitted using a card-swipe on an ATM. Most of the forms required for the IFQ Program are posted on the NMFS Alaska Region Home Page and available for viewing, downloading, or printing except for those forms completed by NOFE representatives. NMFS is developing an alternate PC-based Internet reporting system for future IFQ landing reports to replace some of the ATM hardware with the same information to be collected via PC.

4. Describe efforts to identify duplication.

The IFQ program applications do not duplicate any information requested in other fishery programs. Structuring the CDQ halibut monitoring through the IFQ program structure allows the use of one system for two programs. The IFQ/CDQ reporting forms do not duplicate any other information requests with the exception of the shipment report. When reporting IFQ sablefish, the shipment report does duplicate information requests on the groundfish product transfer report (PTR). Therefore, when reporting the transfer of sablefish, the requirement to

complete and submit a groundfish PTR is exempted as long as a shipment report is completed for that fish.

5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.

The reporting requirements of the IFQ program have not had a significant impact on small entities. The use of toll-free telephone numbers or the marine operator for providing advance notification of planned landings and other landing information keep the burdens of reporting to a minimum. The electronic submittal of the IFQ/CDQ landing report using an ATM saves much time and effort.

6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.

Without the specified reporting scheme described in this support statement, the programs would be severely jeopardized. The programs could not be monitored nor the amount of fish taken and distributed by each participant be tracked. NOFE could not determine individual compliance with the IFQ program and would have a difficult time inspecting shipments of sablefish and halibut without the requirement of the PNOL. Information is required as frequently as vessels choose to harvest or transfer IFQ halibut, IFQ sablefish, or CDQ halibut. The lack of adequate information to manage the IFQ program would result in the fishery management decision-making process being less objective, more political, and potentially less equitable. This would decrease the credibility of the fishery management process and result in an unnecessarily costly and ineffective management system. The cost of making decisions based on inadequate information would adversely affect the viability of the IFQ fishing industry.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

In order to monitor the harvest of sablefish and halibut, it is necessary to require a landing report be submitted for each transaction taking place with the fish products, whether the transaction involves landings, transshipments, or purchases. The shipment report is required each time a registered buyer transfers IFQ halibut, IFQ sablefish, or CDQ halibut from the original landing site to another location. The transshipment report is required each time an individual transfers IFQ halibut, IFQ sablefish, or CDQ halibut from one vessel to another vessel.

8. Provide a copy of the PRA Federal Register notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

NMFS received many verbal comments and letters in response to several recordkeeping and reporting workshops conducted by NMFS' Alaska Region Sustainable Fisheries Division and the USCG's North Pacific Regional Fisheries Training Center each year. This feedback was incorporated into the format of the forms and logbooks and was integrated into the regulatory text at 50 CFR 679. A Federal Register notice (66 FR 32317, June 14, 2001) solicited public comment, but none was received.

9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.

No payment or gift is provided under this program.

10. Describe any assurance of confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.

Information is collected from both individual and non-individual persons. Where the submitter is an individual, the Privacy Act applies. The information collected is confidential under section 303(d) of the Magnuson-Stevens Act (16 U.S.C. 1801 *et seq.*); and also under NOAA Administrative Order (AO) 216-100, which sets forth procedures to protect confidentiality of fishery statistics. These procedures have been implemented under NMFS Operations Manual entitled "Data Security Handbook for the Northwest-Alaska Region, National Marine Fisheries Service".

Under guidance of NOAA General Counsel, Alaska Region, changes to Alaska State regulations have been implemented to allow State access to fishery information collected from the groundfish industry under Federal regulations, consistent with NOAA AO 216-100. This order provides for release of fishery statistics to the State that are collected under State authority.

The State of Alaska also amended its own confidentiality statutes (AS 16.05.815(A)(1) - (7)) to allow the release of fishery information to NMFS and the Council to support the preparation and implementation of FMPs. NMFS and Council staff must, however, agree to maintain the confidentiality of this information.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

This information collection requires information of a sensitive business nature; and requires information of a private nature when the submitter is an individual and the SSN and DOB are requested. Both SSN and DOB are used to distinguish among persons with the same name: to ensure that benefits are awarded and that landings and other program-related functions are credited and applied appropriately and in a manner that maintains confidentiality.

12 and 13. Provide an estimate in hours of the burden of the collection of information.
Provide an estimate of the total annual cost burden to the respondents or record-keepers
resulting from the collection.

The total burden hours per year for all respondents is estimated at 13,249 hours. No capital or significant start-up costs are associated with these revisions; no other costs are expected to increase due to these revisions. Personnel labor costs are estimated to the average wage equivalent to a GS-7 employee in Alaska, including COLA, at \$20 per hour. The total annual cost burden for all respondents is estimated at \$81,639.

Name	Total Responses	Total Burden Hours	Misc Cost (\$)	Personnel Cost (\$)
Appln RB permit	800	400	360	8,000
Appln QS	6	6	3	120
Letter of appeal	2	8	2	160
QS/IFQ beneficiary	1,000	500	550	10,000
QS Holder Ownership Identification - New	25	50	136	1,000
QS Holder Ownership Identification - Update	500	250	2,725	5,000
Appln QS/IFQ TEC	200	400	1,110	8,000
Appln Transfer QS/IFQ	1,000	2,000	5,750	40,000
Appln IFQ/CDQ Landing Card	1,000	500	5,550	10,000
Appln for Replacement	1,000	500	5,450	10,000
Request for ATM	10	5	3	100
Administrative Waiver	1,000	100	0	2,000
PNOL	10,000	2,000	0	40,000
Landing Report	15,000	3,000	0	60,000
Vessel Clearance	100	20	0	400
Vessel Departure Report	50	5	0	100
Transshipment Authorization	25	5	0	125
Shipment Report	10,000	3,000	60,000	60,000

Name	Total Responses	Total Burden Hours	Misc Cost (\$)	Personnel Cost (\$)
Dockside Sales Receipt	5,000	500	0	10,000
Totals	46,718	13,249	81,639	265,005

14. Provide estimates of annualized cost to the Federal government.

The renewal of this collection-of-information will not require additional personnel or resources from NMFS, beyond those already required of the IFQ Program and the CDQ Program to enter and extract data necessary for the establishment, monitoring, and enforcing of each of the programs.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB 83-I.

This statement is a reinstatement of an existing collection of information whose approval has expired. The table below shows the changes taking place from previously-approved requirements.

Name of form	Description of change/adjustment
Appln RB permit	No change in form content. The number of expected responses was reduced to reflect current program activity. Decreased total number of responses from 1,000 to 800; total burden hours decreased from 500 to 400.
Appln QS	No change in form content. Increased total annual response all 4 forms from 0 to 6. Combined forms A, B, and C with D for calculations. Increased hours per response form A+D, 0.5 to 1. Form B+D remained the same at 1 to 1. Decrease hours per response forms C+D, 2 to 1. Added mail costs and photocopy costs. Total burden increased from 0 to 6 hr. Add data element "name of applicant" to form D
Letter of appeal	No change in letter content. The number of expected responses was reduced to authorize any residual appeal activity. The number of total annual response decreased from 100 to 2; total burden hours decreased from 400 to 8.
QS/IFQ beneficiary	NEW FORM: Added 1,000 total responses; 500 hr total burden; \$550 miscellaneous costs.

Name of form	Description of change/adjustment
QS Holder Ownership Identification (New owner)	The number of expected responses was reduced to reflect current program activity. Decreased total responses from 1,000 to 25; decreased total burden hours from 2,000 to 50. Added \$136 miscellaneous costs.
QS Holder Ownership Identification (Update on existing owner)	NEW USE OF EXISTING FORM: Added 500 total responses; added 250 total burden hours. Added \$2,725 miscellaneous costs.
Appln QS/IFQ TEC	The number of expected responses was reduced to reflect current program activity. Decreased total responses from 1,000 to 200; decreased total burden hours from 2,000 to 400.
Appln Transfer QS/IFQ	NO CHANGE
Appln IFQ/CDQ Landing Card	NO CHANGE
Appln for Replacement	NO CHANGE
Request for ATM	NO CHANGE
Administrative Waiver	The number of expected responses was reduced to reflect current program activity. Decreased total responses from 10,000 to 1,000; decreased total burden hours from 1,000 to 100.
PNOL	The number of expected responses was reduced to reflect current program activity. Decreased total responses from 15,000 to 10,000; decreased total burden hours from 3,000 to 2,000. NEW data element, gear type, is added.
Landing Report	NO CHANGE
Vessel Clearance	The number of expected responses was reduced to reflect current program activity. Decreased total responses from 5,000 to 100; decreased total burden hours from 1,000 to 20.
Vessel Departure Report	The number of expected responses was reduced to reflect current program activity. Decreased total responses from 5,000 to 50; decreased total burden hours from 500 to 5.

Name of form	Description of change/adjustment
Transshipment Authorization	The number of expected responses was reduced to reflect current program activity. Decreased total responses from 10,000 to 25; decreased total burden hours from 2,000 to 5.
Shipment Report	NO CHANGE
Dockside Sales Receipt	NO CHANGE

16. For collections whose results will be published, outline the plans for tabulation and publication.

The results of this collection of information are used in analyses designed to further refine the IFQ program. Some information is published annually in an IFQ Program Summary. Information provided in the annual summary is carefully screened to ensure compliance with all confidentiality requirements and is provided in an aggregate form to the public upon request. Nonconfidential summaries are posted on the Alaska Region Homepage.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.

In accordance with OMB requirements, the control number and expiration date of OMB approval are shown on the forms and applications.

18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-I.

No exceptions to the certification statement exist under this renewal.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods,

2001 IFQ VESSEL CLEARANCE REPORT

NOAA Office for Enforcement

(This form to be completed only by NOAA Enforcement Personnel)

Vessel Clearance Date	Time	Location
Vessel Name		Homeport
ADF&G No.	Federal Fisheries Permit No.	
Halibut Regulatory Area Fished	Weight	LBS/KG/MT
Sablefish Regulatory Area Fished	Weight	LBS/KG/MT

Halibut IFQ Permit #	Sablefish IFQ Permit #	Registered Buyer #	IFQ Cardholder Name

Location of Landing	State/Prov.	Date & Time of Landing
Name of Registered Buyer Submitting the Landing Report		

Registered Buyer Signature	Date
Clearing Officer Signature	I.D. Number

PUBLIC REPORTING BURDEN STATEMENT

Public reporting burden for this collection of information is estimated to average 12 minutes per response, including the time to reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Sue Salveson, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802.

ADDITIONAL INFORMATION

Before completing this form please note the following: 1) Notwithstanding any other provision of the law, no person is required to, nor shall any person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number; 2) This information is mandatory, is required to manage commercial fishing effort under 50 CFR part 679 and under section 402(a) of the Magnuson-Stevens Act (16 U.S.C. 1801, et seq.); 3) Responses to this information request are confidential under section 402(b) of the Magnuson-Stevens Act (16 U.S.C. 1801, et seq.). It is also confidential under NOAA Administrative Order 216-100, which sets forth procedures to protect confidentiality of fishery statistics. These procedures have been implemented under the NMFS Operations Manual entitled, "Data Security Handbook for the Northwest-Alaska Region National Marine Fisheries Service."

2001 IFQ DEPARTURE REPORT

NOAA Office for Enforcement

(This form to be completed **only** by NOAA Enforcement Personnel)

[illegible]

PUBLIC REPORTING BURDEN STATEMENT

Public reporting burden for this collection of information is estimated to average 6 minutes per response, including the time to reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Sue Salvesson, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802.

ADDITIONAL INFORMATION

Before completing this form please note the following: 1) Notwithstanding any other provision of the law, no person is required to, nor shall any person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number; 2) This information is mandatory, is required to manage commercial fishing effort under 50 CFR part 679 and under section 402(a) of the Magnuson-Stevens Act (16 U.S.C. 1801, et seq.); 3) Responses to this information request are confidential under section 402(b) of the Magnuson-Stevens Act (16 U.S.C. 1801, et seq.). It is also confidential under NOAA Administrative Order 216-100, which sets forth procedures to protect confidentiality of fishery statistics. These procedures have been implemented under the NMFS Operations Manual entitled, "Data Security Handbook for the Northwest-Alaska Region National Marine Fisheries Service."

2001 IFQ/CDQ PRIOR NOTICE OF LANDING MANUAL REPORT

(This form to be completed **only** by NOAA Enforcement Personnel)

Confirmation No.
(generated by computer)

Vessel Name ADF&G No.

Registered Buyer's Name Permit No.

LANDING INFORMATION

Location of landing (Port name)

Date and offload time that landing will take place

Landing directions (e.g., dock will offload)

Species Code	Estimated Weight (lb)	IFQ Regulatory Harvest Area	IFQ Permit No.

Name of Caller

Contact telephone number

Date of call

Time of call

Initials

PUBLIC REPORTING BURDEN STATEMENT

Public reporting burden for this collection of information is estimated to average 12 minutes per response, including the time to reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Sue Salvesson, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802.

ADDITIONAL INFORMATION

Before completing this form please note the following: 1) Notwithstanding any other provision of the law, no person is required to, nor shall any person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number; 2) This information is mandatory, is required to manage commercial fishing effort under 50 CFR part 679 and under section 402(a) of the Magnuson-Stevens Act (16 U.S.C. 1801, et seq.); 3) Responses to this information request are confidential under section 402(b) of the Magnuson-Stevens Act (16 U.S.C. 1801, et seq.). It is also confidential under NOAA Administrative Order 216-100, which sets forth procedures to protect confidentiality of fishery statistics. These procedures have been implemented under the NMFS Operations Manual entitled, "Data Security Handbook for the Northwest-Alaska Region National Marine Fisheries Service."

2001 RECORD OF IFQ/CDQ TRANSSHIPMENT AUTHORIZATION

NOAA Office for Enforcement

(This form to be completed **only** by NOAA Enforcement Personnel)

FAXED TO: DATA CLERKS @ 907-586-7313

FAXED FROM: _____ PHONE: _____
Clearing Officer Name

Transshipment Date

Time

Transshipment Location

VESSELS

From:

ADF&G #

To:

Product Destination:

Registered Buyer Number & Name

IFQ/CDQ Permit Number(s)

Species Code	Product Type & Code	Product Weight

Request Date

Request Time

Requestor's Name

Requestor's Phone & FAX

Clearing Officer

Date

Transshipment:

Authorized

Not Authorized

PUBLIC REPORTING BURDEN STATEMENT

Public reporting burden for this collection of information is estimated to average 12 minutes per response, including the time to reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Sue Salveson, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802.

ADDITIONAL INFORMATION

Before completing this form please note the following: 1) Notwithstanding any other provision of the law, no person is required to, nor shall any person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number; 2) This information is mandatory, is required to manage commercial fishing effort under 50 CFR part 679 and under section 402(a) of the Magnuson-Stevens Act (16 U.S.C. 1801, et seq.); 3) Responses to this information request are confidential under section 402(b) of the Magnuson-Stevens Act (16 U.S.C. 1801, et seq.). It is also confidential under NOAA Administrative Order 216-100, which sets forth procedures to protect confidentiality of fishery statistics. These procedures have been implemented under the NMFS Operations Manual entitled, "Data Security Handbook for the Northwest-Alaska Region National Marine Fisheries Service."

2001 IFQ/CDQ ADMINISTRATIVE WAIVER

NOAA Office for Enforcement

(This form to be completed only by NOAA Enforcement Personnel)

Date & Time of Waiver	
Vessel Name	ADF&G No.
All IFQ Permit #'s	
IF APPLICABLE Confirmation #s	
Registered Buyer & Permit #	

CHECK THE ONES THAT APPLY:

<input type="checkbox"/>	A. Prelanding Waiver (Vessel lands fish before the required 6 hours). {50 CFR 679.5(l)(1)(i)}
<input type="checkbox"/>	B. After-hours Waiver (Vessel lands fish after 1800 and before 0600). {50 CFR 679.5(l)(2)(iv)(A)(1)}
<input type="checkbox"/>	C. Electronic Reporting Waiver (Due to transaction terminal failure). {50 CFR 679.5(l)(2)(ii)(A)}
<input type="checkbox"/>	D. Waiver for the IFQ cardholder to not be on board in extreme personal emergencies {50 CFR 679.42(d)}
<input type="checkbox"/>	E. Waiver to obtain a vessel clearance at a port other than a primary port {50 CFR 679.5(l)(5)(i)}

Comments:

Clearing Officer Name	Office

PUBLIC REPORTING BURDEN STATEMENT

Public reporting burden for this collection of information is estimated to average 6 minutes per response, including the time to reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Sue Salvesson, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802.

ADDITIONAL INFORMATION

Before completing this form please note the following: 1) Notwithstanding any other provision of the law, no person is required to, nor shall any person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number; 2) This information is mandatory, is required to manage commercial fishing effort under 50 CFR part 679 and under section 402(a) of the Magnuson-Stevens Act (16 U.S.C. 1801, et seq.); 3) Responses to this information request are confidential under section 402(b) of the Magnuson-Stevens Act (16 U.S.C. 1801, et seq.). It is also confidential under NOAA Administrative Order 216-100, which sets forth procedures to protect confidentiality of fishery statistics. These procedures have been implemented under the NMFS Operations Manual entitled, "Data Security Handbook for the Northwest-Alaska Region National Marine Fisheries Service."



APPLICATION FOR QS/IFQ TRANSFER ELIGIBILITY CERTIFICATE

U.S. Dept. of Commerce/NOAA
National Marine Fisheries Service
Restricted Access Management
P.O. Box 21668
Juneau, AK 99802-1668



THIS IS A TWO PAGE APPLICATION. THE FIRST PAGE IS FOR THE APPLICANT'S PERSONAL INFORMATION AND NOTARIZED SIGNATURE. PAGE TWO IS FOR THE APPLICANT'S FISHING HISTORY. PLEASE MAKE COPIES OF PAGE TWO IF MORE SPACE IS NEEDED TO DOCUMENT THE APPLICANT'S PARTICIPATION OF AT LEAST 150 DAYS IN U.S. COMMERCIAL FISHERIES.

BLOCK A - APPLICANT INFORMATION (TYPE OR PRINT)

1. Name:	2. NMFS Person ID:	3. Date of Birth:
4. SSN or Tax ID:		
5. Permanent Business Address:		6. Temporary Mailing Address (see instructions):
7. Home Phone:	8. Business Phone:	9. Fax:
10. Are you a U.S. Citizen or U.S. Corporation, Partnership, or Association of Business Entity? Yes [] No [] IF NO, STOP HERE, you are not eligible to receive QS/IFQ by transfer.		

BLOCK B - FREEZER SHARES

Is this TEC intended for an Entity that wishes to buy or lease Category A Quota Shares only?

Check One: Yes [] No []

If Yes and you are a corporation, partnership, or other non-individual entity, please complete a Quota Share Holder: Identification of Ownership Interest form.

BLOCK C - NOTARY CERTIFICATION

Under penalties of perjury, I declare that I have examined this application, and to the best of my knowledge and belief, the information presented here is true, correct, and complete.

1. Signature of Applicant (or Authorized Agent):	2. Date:
3. Printed Name of Applicant (or Authorized Agent) (Note: If this is completed by an agent, attach agent authorization.):	
4. Notary Public Signature: ATTEST	6. Affix Notary Stamp or Seal Here:
5. Commission Expires:	

BLOCK D - COMMERCIAL FISHING EXPERIENCE		
1. Species (one per block):	2. Gear Type:	3. Location:
4. Date From:		5. Date To:
6. Number of Actual Days Spent Harvesting Fish:		
7. Duties Performed While Directly Involved in the Harvesting of Fish (BE SPECIFIC):		
8. Vessel Name:		9. ADF&G or Coast Guard Number:
10. Vessel Owner:		11. Vessel Operator:
12. Reference Name (person other than yourself):		13. Reference's Relationship to You:
14. Reference's Business Mailing Address:		
15. Reference's Business Phone Number:		
BLOCK E - COMMERCIAL FISHING EXPERIENCE - CONTINUED		
1. Species (one per block):	2. Gear:	3. Location:
4. Date From:		5. Date To:
6. Number of Actual Days Spent Harvesting Fish:		
7. Duties Performed While Directly Involved in the Harvesting of Fish (BE SPECIFIC):		
8. Vessel Name:		9. ADF&G or Coast Guard Number:
10. Vessel Owner:		11. Vessel Operator:
12. Reference Name (person other than yourself):		13. Reference's Relationship to You:
14. Reference's Business Mailing Address:		
15. Reference's Business Phone Number:		



INSTRUCTIONS

Application for QS/IFQ Transfer Eligibility Certificate

Those who wish to receive QS/IFQ by transfer but did not have QS initially awarded to them must submit this application for approval. Only those who have 150 or more days of experience working as part of a harvesting crew in any U.S. commercial fishery are eligible to receive a Transfer Eligibility Certificate (TEC). Work in support of harvesting but not directly related to it is not considered harvesting crew work. For example, experience as an engineer, cook, or preparing a vessel for a fishing trip does not satisfy the requirement.

Type or print legibly in ink and retain a copy of completed application for your records. **Please allow at least 10 working days for your application to be processed.** Items will be sent by first class mail, unless you provide alternate instructions **and** include a prepaid mailer with appropriate postage or corporate account number for express delivery.

Mail the completed application form to:

**NMFS Alaska Region
Restricted Access Management
P.O. Box 21668
Juneau, AK 99802-1668**

If you need additional information, call Restricted Access Management (RAM) at **(800) 304-4846 (#2)** or **(907) 586-7202 (#2)**.

BLOCK A - APPLICANT INFORMATION

1. Name: Full name as it should appear on the certificate.
2. NMFS Person ID: NMFS will supply this number.
3. Date of Birth: Enter date of birth.
4. SSN or TAX ID:
Privacy Act Statement: The Debt Collection Improvement Act, in Section 7701 of title 31, United States Code requires collection of this information from each person doing business with a federal agency. This information is used for purposes of collecting and reporting any delinquent amounts arising out of such person's relationship with the government. This information is also used to verify the identity of the applicant(s) and to accurately retrieve confidential records related to federal commercial fishery permits issued under 50 CFR Part 679.
5. Permanent Business Address: Enter permanent mailing address, including street or P.O. Box, city, state, and zip code.
6. Temporary Mailing Address: Enter the address you want the TEC documentation sent to if somewhere other than your permanent address. Include street or P.O. Box, city, state, and zip code.
- 7-9. Home Phone, Business Phone, Facsimile (FAX): Enter the numbers including the area codes.

10. Are You a U.S. Citizen or a U.S. Corporation, Partnership, or Association of Business Entity? If **No, Stop Here**, you are not eligible to receive QS/IFQ by transfer. If **Yes** and you are a corporation, partnership or other non-individual entity, please complete a Quota Share Holder: Identification of Ownership form. You can download this form from our Internet web site at <http://www.fakr.noaa.gov>, or you may call RAM at one of the numbers listed above and request the form be mailed or faxed to you.

BLOCK B - FREEZER SHARES

If you are a person wishing to lease or purchase Freezer Vessel Category Quota Shares ONLY, check "Yes."

If you are a corporation, partnership, or other non-individual entity you also must complete a Quota Share Holder: Identification of Ownership Interest form. You can download this form from our Internet web site at <http://www.fakr.noaa.gov>, or you can call RAM at one of the numbers listed on the previous page and request the form be mailed or faxed to you. **Note:** *You may be required to submit further evidence of eligibility, i.e., that you are the type of entity that would have been eligible to document a vessel under U.S. laws in effect in 1988, 1989, and 1990.*

BLOCK C - NOTARY CERTIFICATION

- 1-3. Sign, Print, and Date the application in the presence of a Notary Public. As a result of this requirement, **we cannot process faxed applications**. Representatives acting on behalf of an applicant must supply proof of agent authorization to submit this application on the applicant's behalf.
- 4-6. A Notary Public must Attest (sign) and affix his/her Notary Stamp. The Notary Public cannot be completed by the person submitting this application.

BLOCKS D & E - COMMERCIAL FISHING EXPERIENCE

Note: *If you need additional space to provide your commercial fishing experience, copy the second page of the application prior to completing these blocks.*

1. Species: Enter any targeted species in a U.S. commercial fishery (enter **only one fishery per block**).
2. Gear Type: Enter any gear type used to legally harvest in a U.S. commercial fishery.
3. Location: Enter actual regulatory, statistical, or geographic harvesting location.
4. Date From: Enter starting date.
5. Date To: Enter ending date.
6. Number of Actual Days Spent Harvesting Fish: Enter **total days actually spent** doing harvesting work during the claimed period in questions 4 and 5.
7. Duties Performed While Directly Involved in the Harvesting of Fish: List or describe your duties as a member of a harvesting crew for the claimed period in questions 4 and 5.
8. Vessel Name: Enter the registered name of the vessel upon which above duties were performed.
9. ADF&G or Coast Guard Number: Enter the ADF&G number or the Coast Guard number of the vessel listed in number 8.
10. Vessel Owner: Enter the name of the individual(s) or corporation(s) whose name is listed on the vessel ownership papers.
11. Vessel Operator: Enter the name of the person (may be yourself) in charge of operating the vessel.
12. Reference Name: Enter the name of a person (other than yourself) who is able to verify the above experience.
13. Reference's Relationship to You: Enter the reference's relationship to you.

14. Reference's Business Mailing Address: Enter the reference's business mailing address, including street or P.O. Box number, city, state, and zip code.
15. Reference's Business Phone Number: Enter the reference's business phone number, including the area code.

PUBLIC REPORTING BURDEN STATEMENT

Public reporting burden for this collection of information is estimated to average 2 hours per response, including time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden to Assistant Regional Administrator, Sustainable Fisheries Division, NOAA National Marine Fisheries Service, P.O. Box 21668, Juneau, AK 99802-1668.

ADDITIONAL INFORMATION

Before completing this form, please note the following: 1) Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number; 2) This information is mandatory and is required to manage commercial fishing efforts under 50 CFR part 679 and under section 402(a) of the Magnuson-Stevens Act (16 U.S.C. 1801, et seq.); 3) Responses to this information request are confidential under section 402(b) of the Magnuson-Stevens Act (16 U.S.C. 1801, et seq.). They are also confidential under NOAA Administrative Order 216-100, which sets forth procedures to protect confidentiality of fishery statistics. These procedures have been implemented under the NMFS Operations Manual entitled, "Data Security Handbook for the Northwest-Alaska Region National Marine Fisheries Service."

2001 IFQ/CDQ SHIPMENT REPORT

OMB Control No. 0648-0272 Expiration Date 10/31/2001

NOAA Office For Enforcement
P.O. Box 21767, Juneau, AK 99802

[] Original [] Revision

IFQ Data Clerk: (800) 304-4846 or (907) 586-7163

Shipment Date: _____

FAX TO: (907) 586-7313

REGISTERED BUYER (SHIPPER) Name: Address:			Registered Buyer Permit Number:	
FAX Number:			Registered Buyer Representative	
Name (RECEIVER): Address:				
MODE OF TRANSPORTATION AND INTENDED ROUTE:				
SPECIES CODE	PRODUCT CODE	NO. OF UNITS	UNIT WEIGHT (Indicate mt or lb)	TOTAL WEIGHT (Indicate mt or lb)

PUBLIC REPORTING BURDEN STATEMENT

Public reporting burden for this collection of information is estimated to average 18 minutes per response, including the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Sue Salvesson, Assistant Regional Administrator, Sustainable Fisheries, National Marine Fisheries Service, P.O. Box 21668, Juneau, AK 99802.

ADDITIONAL INFORMATION

Before completing this form, please note the following: 1) Notwithstanding any other provision of the law, no person is required to, nor shall any person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number; 2) This information is mandatory, is required to manage commercial fishing effort under 50 CFR part 679 and under section 402(a) of the Magnuson-Stevens Act (16 U.S.C. 1801, et seq.); 3) Responses to this information request are confidential under section 402(b) of the Magnuson-Stevens Act (16 U.S.C. 1801, et seq.). It is also confidential under NOAA Administrative Order 216-100, which sets forth procedures to protect confidentiality of fishery statistics. These procedures have been implemented under the NMFS Operations Manual entitled, "Data Security Handbook for the Northwest-Alaska Region National Marine Fisheries Service."



APPLICATION FOR REPLACEMENT OF CERTIFICATES, PERMITS, OR CARDS

U.S. Dept. of Commerce/NOAA
National Marine Fisheries Service
Restricted Access Management
P.O. Box 21668
Juneau, Alaska 99802-1668



BLOCK A - IDENTIFICATION OF APPLICANT

1. Name:

2. NMFS Person ID:

3. Date of Birth:

4. SSN or Tax ID:

5. Business Mailing Address: ☐ Permanent ☐ Temporary

6. Business Phone:

7. Fax:

BLOCK B - REPLACEMENT REQUEST [Check Only the Items that Apply]

☐ **QS Certificate:** Units _____ Area _____ Species _____ Vessel Category _____

Is this QS Certificate requested for a pending QS/IFQ transfer? ☐ Yes ☐ No

☐ **IFQ Fishing Permit:** Permit Number _____ Species _____

☐ **IFQ/CDQ Landing Card** for individual permit holder Permit Number _____ Species _____

☐ **Hired Skipper Card** : Permit Number _____ Skipper Name _____ Skipper NMFS Person ID _____
(Application Must be Completed and Signed by Permit Holder Only)

☐ **Transfer Eligibility Certificate (TEC):** NMFS Person ID _____

☐ **Registered Buyer Permit:** Permit Number _____

☐ **Federal Fisheries/Processor Permit (FFP/FPP):** Permit Number _____ Vessel ADF&G Number _____

☐ **Scallop License Limitation License (SLLP):** License Number _____

☐ **License Limitation License (LLP):** Crab License Number _____ Groundfish License Number _____

☐ **American Fisheries Act (AFA) Permit:** Permit Number _____ USCG Number _____

ADF&G Number _____

BLOCK C - REASON FOR REPLACEMENT REQUEST

Lost ☐ Destroyed ☐ Stolen ☐ Other ☐ (explain) _____

BLOCK D - CERTIFICATION OF APPLICANT AND NOTARY

Under penalties of perjury, I hereby declare that I, the undersigned, completed this application, and the information contained herein is true, correct, and complete to the best of my knowledge and belief.

1. Signature of Applicant or Authorized Agent:

2. Date:

3. Printed Name of Applicant or Authorized Agent (**Note:** If this is completed by an agent, attach authorization) :

4. Notary Public Signature:

ATTEST

5. Affix Notary Stamp or Seal Here:

6. Commission Expires:



INSTRUCTIONS

Application for Replacement of Certificates, Permits, or Cards

Please type or print legibly in ink and retain a copy of the completed application for your records.

Allow at least 10 business days for your application to be processed. Items will be sent by U.S. First-Class Mail, unless alternative mailing instructions are provided with RAM's receipt of the application **and** include a prepaid mailer with the appropriate postage or a corporate account number for express delivery.

If you have any questions about this application or need additional information, call Restricted Access Management (RAM) at **(800) 304-4846 (#2)** or **(907) 586-7202 (#2)**.

Completed applications should be mailed to:

**NMFS Alaska Region
Restricted Access Management
P.O. Box 21668
Juneau, Alaska 99802-1668**

BLOCK A - IDENTIFICATION OF APPLICANT

Provide the information requested below regarding the replacement of the item(s) requested.

1. Name: The full name of the individual, corporation, or partnership that is the holder of the permit, card, certificate, and/or license being replaced. **Note**: If a landing card is being replaced for a hired skipper, the applicant completing and signing the application **must** be the CDQ/IFQ permit holder.
2. NMFS Person ID: The identification number assigned to the applicant by National Marine Fisheries Service, RAM.
3. Date of Birth: If the applicant is an individual person, enter that person's date of birth.
4. SSN or Tax ID:

Privacy Act Statement: Federal Regulations (50 CFR § 679) authorize but do not require collection of this information. The information is used to verify the identity of applicants and to accurately retrieve confidential records related to federal commercial fishery permits. Where the requested information is a Social Security Number, disclosure is voluntary; in the event it is not provided, NMFS will assign a unique code that will identify the records.

5. Business Mailing Address: Enter the business mailing address, including street or P.O. Box number, state, and zip code, where the item(s) should be sent. Check whether the address provided is a permanent or temporary address. If you check "Permanent Address," we will update the official RAM database. If you choose "Temporary Address," we will use it for this one application only and we will not change the RAM database.

- 6-7. Business Phone and Fax: The business telephone and fax numbers including the area codes. **Note:** It is important to provide a number where a message can be left to avoid delay in processing the application if any questions arise.

BLOCK B - REPLACEMENT REQUEST

Check the block for each of the items you are requesting to be replaced. Fill out **only** the information that pertains to the items that have been checked.

BLOCK C - REASON FOR REPLACEMENT REQUEST

Indicate the reason(s) for replacement of the items checked in Block B.

BLOCK D - CERTIFICATION OF APPLICANT AND NOTARY

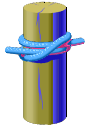
- 1-2. Signature of Applicant or Authorized Agent: The applicant or authorized agent must sign and date the application certifying all information set forth in the application is true, correct, and complete to the best of the applicant's knowledge and belief. The application will not be considered without the applicant's or authorized agent's signature. **Note:** If a representative is acting on behalf of the applicant, written authorization signed by the applicant must be submitted with the application.
3. Printed Name of Applicant or Authorized Agent: Print or type the full name of the applicant or authorized agent signing on behalf of the applicant.
- 4-6. Notary Public: A Notary Public must attest and affix notary stamp or seal. Because this application requires a notarized signature, **applications received by Fax will not be processed.**

PUBLIC REPORTING BURDEN STATEMENT

Public reporting burden for this collection of information is estimated to average 0.5 hours per response, including the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Assistant Regional Administrator, Sustainable Fisheries Division, NOAA National Marine Fisheries Service, P.O. Box 21668, Juneau, AK 99802-1668.

ADDITIONAL INFORMATION

Before completing this form please note the following: 1) Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number; 2) This information is mandatory and is required to manage commercial fishing efforts under 50 CFR part 679 and under section 402(a) of the Magnuson-Stevens Act (16 U.S.C. 1801, et seq.). They are also confidentiality under NOAA Administrative Order 216-100, which sets forth procedures to protect confidentiality of fishery statistics. These procedures have been implemented under the NMFS Operations Manual entitled, "Data Security Handbook for the Northwest-Alaska Region National Marine Fisheries Service."



APPLICATION FOR IFQ/CDQ REGISTERED BUYER PERMIT

U.S. Dept. of Commerce/NOAA
National Marine Fisheries Service
Restricted Access Management
P.O. Box 21668
Juneau, AK 99802-1668



Is this application a renewal? Yes ☐ No ☐

Registered Buyer Number (if this is a renewal) _____

BLOCK A - APPLICANT IDENTIFICATION

1. Name of Registered Buyer:

2. SSN, TAX ID, or NMFS Person ID:

3. Name of Contact Person:

4. Business Mailing Address: Permanent ☐ Temporary ☐

5. Physical Location of Facility:

6. Home Phone:

7. Business Phone:

8. Fax:

BLOCK B - TYPE OF ACTIVITY (Check ALL that apply)

1. Card holder making dockside sales (catcher-seller) or transferring IFQ/CDQ fish outside Alaska (permit holder or vessel operator) ☐; **or**

2. Person receiving fish from harvester as a (check all that apply):

Buyer-Broker ☐ Catcher/Processor ☐ Tender ☐

Retail Operation ☐ Restaurant ☐

Mothership/Stationary Floating Processor ☐ Shoreplant ☐

Other (please describe) ☐

BLOCK C - TRANSACTION TERMINAL

1. Do you currently have a Transaction Terminal? Yes ☐ No ☐

2. **If No** and you need a Transaction Terminal, you will need to complete a Request for Transaction Terminal form.

3. **If Yes**, supply serial numbers for terminal _____ and printer _____

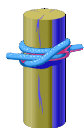
BLOCK D - SIGNATURE

Under penalties of perjury, I declare that I have examined this application, and to the best of my knowledge and belief, the information presented here is true, correct, and complete.

1. Signature of Applicant or Authorized Agent:

2. Date:

3. Printed Name of Applicant or Authorized Agent (**Note:** If this is completed by an agent, attach authorization.):



INSTRUCTIONS

Application for IFQ/CDQ Registered Buyer Permit

Use this application to apply for a Registered Buyer permit under federal regulations governing the Individual Fishing Quota (IFQ) Program (50 CFR Part 679).

This permit is required for **each** person who receives IFQ or CDQ fish from the harvester; and for **each** IFQ/CDQ permit holder who harvests IFQ/CDQ fish and then transfers those fish in dockside sales to individuals for personal consumption, outside of an IFQ regulatory area, or outside the State of Alaska. A Registered Buyer permit is also required for a vessel operator when IFQ/CDQ fish are being transferred outside the State of Alaska.

Each facility (i.e., tender, mothership, shoreplant, etc.) that receives IFQ/CDQ fish in Alaska is required to have its own Registered Buyer permit number.

Note that entities receiving IFQ/CDQ fish at locations outside Alaska do not need these permits and will not be issued them. The vessel operator must be a Registered Buyer.

Type or print legibly in ink; retain a copy of completed application for your records. Completed forms should be mailed to:

**NMFS Alaska Region
Restricted Access Management
P.O. Box 21668
Juneau, AK 99802-1668**

If you need additional information, contact Restricted Access Management at **(800) 304-4846 (#2)** or **(907) 586-7202 (#2)**.

Please allow at least 10 working days for your application to be processed. Items will be sent by first class mail, unless you provide alternate instructions **and** include a prepaid mailer with appropriate postage or corporate account number for express delivery.

BLOCK A - APPLICANT IDENTIFICATION

1. Name of Registered Buyer - Name of the IFQ/CDQ card holder transferring IFQ/CDQ fish in dockside sales to individuals for personal consumption, outside an IFQ regulatory area, outside the State of Alaska; OR name of vessel operator transferring fish outside the State of Alaska; OR name of person or business receiving IFQ/CDQ halibut or sablefish from harvester within Alaska.
2. SSN, TAX ID, or NMFS Person ID
Privacy Act Statement: Federal regulations (at 50 CFR Part 679) authorize collection of this information. This information is used to verify the identity of the applicant(s) and to accurately retrieve confidential records related to federal commercial fishery permits. Where the requested information is a Social Security Number (SSN), disclosure is voluntary; in the event it is not provided, NMFS will assign a unique code that will identify the records.
3. Name of Contact Person - Name of a person we may contact regarding this application, such as the business owner, or manager.

4. Business Mailing Address - Including state and zip code. If you check "Permanent Address," we will update the official RAM database. If you choose "Temporary Address," we will use it for this one application and we will not change the RAM database.
5. Physical Location of Facility - If there is no fixed location facility (as with some buyers), or if the activity occurs at multiple locations (as with some motherships), indicate the most frequently used location. Enter the physical location of the facility where the registered buyer operation occurs.
- 6-8. Home, Business, and Fax number - Include area codes.

BLOCK B - TYPE OF ACTIVITY

Select all of the activities that best describe your anticipated Registered Buyer activity.

BLOCK C - TRANSACTION TERMINAL

1. Indicate whether or not you have a Transaction Terminal. A Transaction Terminal is required to make IFQ/CDQ halibut and sablefish landings. If Yes, skip to number 3. If No, see number 2.
2. If you do not have a Transaction Terminal and you need one, you can either call RAM and ask for the "Request for Transaction Terminal" form; or download the form from the Alaska Region Internet web site at <http://www.fakr.noaa.gov>.
3. Print the serial numbers for both the terminal and the printer.

BLOCK D - SIGNATURE

- 1-2. Signature of Applicant or Authorized Agent - The applicant or authorized agent must sign and date the application certifying all information set forth in the application is true, correct, and complete to the best of the applicant's knowledge and belief. The application will not be considered without the applicant's or authorized agent's signature. **Note:** If a representative is acting on behalf of the applicant, written authorization signed by the applicant must be submitted with the application.
3. Printed name of the Applicant or Authorized Agent - Print or type the full name of the applicant or authorized agent signing on behalf of the applicant.

PUBLIC REPORTING BURDEN STATEMENT

Public reporting burden for this collection of information is estimated to average 0.5 hours per response, including the time for reviewing the instructions, searching the existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Assistant Regional Administrator, Sustainable Fisheries Division, NOAA National Marine Fisheries Service, P.O. Box 21668, Juneau, AK 99802-1668.

ADDITIONAL INFORMATION

Before completing this form, please note the following: 1) Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number; 2) This information is mandatory and is required to manage commercial fishing efforts under 50 CFR part 679 and under section 402(a) of the Magnuson-Stevens Act (16 U.S.C. 1801, et seq.); 3) Responses to this information request are confidential under section 402(b) of the Magnuson-Stevens Act (16 U.S.C. 1801, et seq.). They are also confidential under NOAA Administrative Order 216-100, which sets forth procedures to protect confidentiality of fishery statistics. These procedures have been implemented under the NMFS Operations Manual entitled, "Data Security Handbook for the Northwest-Alaska Region National Marine Fisheries Service."



QUOTA SHARE HOLDER: IDENTIFICATION OF OWNERSHIP INTEREST

U.S. Dept. of Commerce/NOAA
National Marine Fisheries Service
Restricted Access Management
P.O. Box 21668
Juneau, AK 99802-1668



Quota Share Holder:

BLOCK A - IDENTIFICATION OF QUOTA SHARE HOLDER

1. Is this business a publicly held corporation? ☐ Yes ☐ No
- 2.a. Is this a corporation or partnership? ☐ Yes ☐ No
 b. If yes, is this corporation or partnership still active? ☐ Yes ☐ No
3. Is this an estate that has been probated? ☐ Yes ☐ No
 If yes, on what date was probate finalized: _____

BLOCK B - IDENTIFICATION OF SHAREHOLDERS, PARTNERS, JOINT VENTURERS, SUCCESSOR-IN-INTERESTS

NOTE: IF OWNERSHIP CONSISTS OF SEPARATE/ADDITIONAL CORPORATIONS OR PARTNERSHIPS THE INDIVIDUAL OWNERS OF THOSE ENTITIES AND THE PERCENTAGE OF INTEREST THOSE INDIVIDUALS HOLD IN THEIR RESPECTIVE CORPORATIONS OR PARTNERSHIPS MUST ALSO BE LISTED.

1. NAME (Print or Type)	2. ID (SSN or IFQ ID or Tax ID)	3. Percent (%) of Interest Held
<i>TOTAL OWNERSHIP:</i>		100 %

4. Do these ownership percentages represent the addition of any new owners since Quota Share was initially issued? Yes ☐ No ☐

BLOCK C - CERTIFICATION

Under penalty of perjury, I declare that I have examined this form, and to the best of my knowledge and belief, the information I have presented here is true, correct and complete.

1. Signature	2. Date
3. Printed Name	4. Title
5. Signature of Notary Public	6. Affix Notary Stamp or Seal Below
7. Commission Expires	



INSTRUCTIONS

Quota Share Holder: Identification of Ownership Interest

This form must be submitted by corporations, partnerships, and other non-individual entities who hold Quota Share (QS) under the Pacific halibut and sablefish Individual Fishing Quota (IFQ) program (50 CFR Part 679). Please type, or print legibly in ink; you may photocopy and attach additional sheets as necessary. Please sign in ink, have your signature notarized, retain a copy for your records, and mail the completed form to: **NMFS Alaska Region, Restricted Access Management (RAM), P.O. Box 21668, Juneau, AK 99802-1668**. For information, contact RAM at 800-304-4846 or 907-586-7202.

GENERAL INFORMATION

The information requested herein is needed by RAM to determine compliance with two IFQ program requirements, including:

- 1) **Limitations On Use of QS and IFQ.** This information is needed to determine if persons who hold QS have exceeded their allowable use limits under the "individually and collectively" language set out in the IFQ regulations at 50 CFR 679.42(e) and (f); and,
- 2) **Changes in corporations or partnerships.** This information is also needed to determine if a Corporation or Partnership has changed. Under Sec. 679.42(j)(1) - (4), upon a "change" (i.e., the addition of a new member) to a corporation or partnership that holds catcher vessel QS, the entity may no longer hire a master to fish the IFQ resulting from the QS it holds; further, such an entity must notify NMFS of the change within 15 days of its effective date and must then transfer its QS to a qualified individual.

SPECIFIC INSTRUCTIONS

BLOCK A - IDENTIFICATION OF QUOTA SHARE HOLDER

1. Indicate if the Quota Share holder is a publicly held corporation. If yes, sign the certification in Block C and return the form to RAM.
2. (a) Indicate if this is a corporation or partnership.
(b) Indicate if the corporation or partnership is still active. If yes, go to Block "B". If no, sign the certification in Block C and return the form to RAM.
3. If the non-individual Quota Share holder is an estate and all estate matters with regard to the disposition of the assets, including Quota Share have been finalized you must answer "YES". Please provide the date the estate was settled.

BLOCK B - IDENTIFICATION OF MEMBERS

1. List the names of members. If a member is itself a corporation, partnership, or other such entity, you must also list the owners of that member at this time.
2. Enter the Social Security number (SSN), IFQ Identification number, or Tax Identification number of each member.

Privacy Act Statement: Federal regulations (at 50 CFR Part 679) authorize collection of this information. This information is used to verify the identity of the applicant(s) and to accurately retrieve confidential records related to federal commercial fishery permits. Where the requested information is a Social Security Number (SSN), disclosure is voluntary; in the event it is not provided, NMFS will assign a unique code that will identify the records.

3. Enter the percentage of ownership interest that each constituent member holds; for example, if there are three equal owners, enter "33-1/3" for each. The total interest of all members should equal 100 percent.
4. If any of the owners listed have been added since Quota Shares was issued you must answer "yes"

BLOCK C - CERTIFICATION



- 1-3. Sign and date the application in the presence of Notary Public, and print your name.
4. Authorized representatives must submit proof of authorization from QS owner and state title.
- 5-7. To be completed by a Notary Public, not the person submitting this application.

PUBLIC REPORTING BURDEN STATEMENT

Public reporting burden for this collection of information is estimated to average [0.2 hours] per response, including the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Assistant Regional Administrator, Sustainable Fisheries Division, NOAA National Marine Fisheries Service, P.O. Box 21668, Juneau, AK 99802.

ADDITIONAL INFORMATION

Before completing this form please note the following: 1) Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number; 2) This information is mandatory and is required to manage commercial fishing efforts under 50 CFR part 679 and under section 402(a) of the Magnuson-Stevens Act (16 U.S.C. 1801, et seq.); 3) Responses to this information request are confidential under section 402(b) of the Magnuson-Stevens Act (16 U.S.C. 1801, et seq.). They are also confidential under NOAA Administrative Order 216-100, which sets forth procedures to protect confidentiality of fishery statistics. These procedures have been implemented under the NMFS Operations Manual entitled, "Data Security Handbook for the Northwest-Alaska Region National Marine Fisheries Service."

 <p style="text-align: center;">REQUEST FOR TRANSACTION TERMINAL</p>	<p>U.S. Dept. of Commerce/NOAA National Marine Fisheries Service Restricted Access Management P.O. Box 21668 Juneau, AK 99802-1668</p> 
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BLOCK A - APPLICANT INFORMATION

1. Name or Business Name:		2. Registered Buyer Number, If any:
3. Business Mailing Address:		
4. Name of Contact Person:		
5. Home Phone:	6. Business Phone:	7. Fax:

BLOCK B - TERMINAL SITE

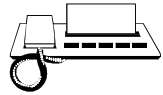
1. Is this terminal to be located at a: Fixed Location [] or Mobile Location []
2. If fixed , Physical Address where terminal will be located:
3. If mobile , location of expected activity (Lat/Long or Primary Port):

BLOCK C - SIGNATURE

Signature of Applicant or Authorized Representative:	Date:
Printed Name and Title of Applicant or Authorized Representative (Note: If this is completed by an agent, attach agent authorization.):	

BLOCK D - FOR OFFICIAL USE ONLY

Transaction Terminal Number	Software Version	Printer Number	Date of Issue
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INSTRUCTIONS: REQUEST FOR TRANSACTION TERMINAL

Type or print legibly in ink and retain a copy of completed application for your records.

Please allow at least 10 working days for your application to be processed. Items will be sent by first class mail, unless you provide alternate instructions **and** include a prepaid mailer with appropriate postage or corporate account number for express delivery.

If you have questions about the application or need additional information, call Restricted Access Management at **(800) 304-4846 (#2)** or **(907) 586-7202 (#2)**.

Mail completed application form to:

**NMFS Alaska Region
Restricted Access Management
P.O. Box 21668
Juneau, AK 99802-1668**

SPECIAL INFORMATION: All IFQ landings and CDQ halibut landings must be reported electronically using IFQ/CDQ landing cards and Transaction Terminals activated with custom-designed computer software. Waivers to this requirement may only be granted by the NMFS Office of Enforcement at (907) 586-7225.

*You may use this form to request a Transaction Terminal; however, if insufficient terminals are available for all who request them, terminals will be distributed to locations determined by NMFS to be most convenient for the fishing fleet and most likely to ensure timely and accurate reporting of landings of IFQ halibut and sablefish and CDQ halibut. To assist those without terminals, NMFS will attempt to place the terminals at appropriate public places, such as harbormaster offices. Locations of all such terminals are available on the Alaska Region NMFS web site at <<http://www.fakr.noaa.gov>>, or you may call RAM at any of the numbers listed above. **Terminals and printers provided by NMFS are the property of the U.S. Government.***

You may also purchase terminals and printers directly from the supplier; however, NMFS must install custom software to establish a functional unit. If you wish to arrange for private purchase of a terminal and a printer, call or write RAM at the numbers and/or address listed above.

BLOCK A - BUSINESS INFORMATION

1. Name or Business Name - Name of Individual or Business responsible for the Terminal and Printer.
2. Registered Buyer Number - Enter your Registered Buyer number if you have one.
3. Business Mailing Address - Enter the business mailing address, including the street and/or P.O. Box number, city, state, and zip code.
4. Name of Contact Person - Provide the full name of a person we may contact regarding the terminal and printer.
- 5-7. Home Phone, Business Phone, and Fax - Include area code with all phone and fax numbers.

BLOCK B - TERMINAL SITE

1. Check whether the terminal will be located at a fixed or mobile site.
2. If the site is **fixed**, provide the complete physical address. Include street, city, state, and zip code.
3. If the site is **mobile**, provide the expected activity location (Lat/Long or primary port).

BLOCK C - SIGNATURE

Sign, print your name, and date the application in the appropriate blocks. If you are a representative for the applicant, include your title in the appropriate block and attach your agent authorization.

BLOCK D - FOR OFFICIAL USE ONLY

Restricted Access Management will complete this block upon issuance of a Transaction Terminal and printer.

PUBLIC REPORTING BURDEN STATEMENT

Public reporting for this collection of information is estimated to average 0.2 hours per response, including the time for reviewing the instructions, searching the existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Assistant Regional Administrator, Sustainable Fisheries Division, NOAA National Marine Fisheries Service, P.O. Box 21668, Juneau, AK 99802-1668.

ADDITIONAL INFORMATION

Before completing this form please note the following: 1) Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information, subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number; 2) This information is mandatory and is required to manage commercial fishing efforts under 50 CFR part 679 and under section 402(a) of the Magnuson-Stevens Act (16 U.S.C. 1801, et seq.); 3) Responses to this information request are confidential under section 104(b) of the Magnuson-Stevens Act (16 U.S.C. 1801, et seq.). They are also confidential under NOAA Administrative Order 216-100, which sets forth procedures to protect confidentiality of fishery statistics. These procedures have been implemented under the NMFS Operations Manual entitled, "Data Security Handbook for the Northwest-Alaska Region National Marine Fisheries Service."



APPLICATION FOR TRANSFER OF QS/IFQ

U.S. Dept. of Commerce/NOAA
National Marine Fisheries Service
Restricted Access Management
P.O. Box 21668
Juneau, AK 99802-1668



**NOTE: A separate application must be submitted for each Quota Share (QS) or IFQ Transfer.
If you want to do a self sweep-up, please use the self sweep-up form.**

BLOCK A

Does the Transferee (Buyer) hold a Transfer Eligibility Certificate (TEC)? Yes ☐ No ☐

BLOCK B

USE THIS LIST TO ENSURE YOUR APPLICATION IS COMPLETE. INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED.

NOTE: FAXED APPLICATIONS ARE NOT ACCEPTABLE. PLEASE SUBMIT ORIGINALS.

Completed, signed, and notarized application ☐

Copy of signed & notarized sales or gift agreement ☐

QS/IFQ Transfer: **Seller's original** QS Certificate ☐

Documentation for Authorized Agent (if applicable) ☐

Sweep Up Transfer: **Buyer's and seller's original** QS Certificate ☐

Transfer of IFQ (Category "A" Shares, Surviving Spouse Lease): Copy of permit or QS Certificate..... ☐

BLOCK C - TRANSFEROR (SELLER)

1. Name:		2. NMFS Person ID:	
3. Date of Birth:		4. SSN or Tax ID:	
5. Permanent Business Mailing Address:		6. Temporary Business Mailing Address (see instructions):	
7. Home Phone:	8. Business Phone:	9. Fax:	

BLOCK D - TRANSFEREE (BUYER)

1. Name:		2. NMFS Person ID:	
3. Date of Birth:		4. SSN or Tax ID:	
5. Permanent Mailing Address:		6. Temporary Mailing Address (see instructions):	
7. Home Phone:	8. Business Phone:	9. Fax:	

BLOCK E - QUESTIONS FOR TRANSFEREE (BUYER)

1. Do you request that this QS be included in a **sweep up**, if possible? Yes ☐ No ☐
2. If **yes**, list the identifier on the QS Certificate into which this new piece should be combined (Example H-2C-B-B-123,456,789 through H-2C-B-B-123,458,789): _____

Reminder: For Sweep Up, attach **both the buyer's and seller's original QS Certificates to this application.**

3. If this is Catcher Vessel **CDQ Compensation QS** and the vessel category has never been declared, check the one Catcher Vessel Category in which you would like to have your QS issued.

Length Overall: 0' to 35' or 36' to 60' or greater than 60'

Vessel Category: **D** ☐ **C** ☐ **B** ☐

BLOCK F - IDENTIFICATION OF QS AND IFQ TO BE TRANSFERRED

Complete Block F if QS and IFQ are to be transferred together or if you want to transfer QS only.

- | | | |
|---|--|---|
| 1. Halibut <input type="checkbox"/> or Sablefish <input type="checkbox"/> | | 2. IFQ Regulatory Area: |
| 3. Vessel Category: | 4. Number of QS Units to be Transferred: | 5. Transferor (Seller) IFQ Permit Number: |
| 6. Numbered To and From (Serial Numbers are shown on the QS Certificate): | | |
| 7. Do you want all remaining pounds for the current fishing year transferred? Yes <input type="checkbox"/> No <input type="checkbox"/> | | |
| If no , specify the number of pounds to be transferred: _____ | | |
| -Pounds transferred will include any overage and is non-negotiable. | | |
| -Pounds transferred will include any underage UNLESS OTHERWISE INSTRUCTED | | |

BLOCK G - TRANSFER OF IFQ ONLY

Complete this Block if you want to Transfer IFQ Only (Applies only to Category "A" & Surviving Spouse IFQ)

- | | | |
|---|---|---------------------|
| 1. Halibut <input type="checkbox"/> or Sablefish <input type="checkbox"/> | 2. IFQ Regulatory Area: | 3. Number of Units: |
| 4. Numbered To and From (Serial Numbers are shown on the QS Certificate): | | |
| 5. Actual Number of IFQ Pounds: | 6. Transferor (Seller) IFQ Permit Number: | |
| 7. Fishing Year: 20_____ | | |

REQUIRED SUPPLEMENTAL INFORMATION
YOUR APPLICATION WILL NOT BE PROCESSED UNLESS YOU PROVIDE THE FOLLOWING INFORMATION

BLOCK H - TO BE COMPLETED BY THE TRANSFEROR

1. Is there a broker being used for this transaction? ☐ Yes ☐ No

If **yes**, how much is being paid in brokerage fees? \$_____ or _____% of total price.

2. What is the **total amount** being paid for the QS/IFQ in this transaction, including all fees? _____

3. Give both the price per unit of QS and the price per pound of IFQ.

\$ _____/Unit of QS

\$_____/# of IFQ

(Price divided by QS Units)

(Price divided by IFQ pounds)

4. What are your reasons for transferring the QS/IFQ? (check all that apply)

Retirement from fisheries [] Shares too small to fish [] Consolidation of shares []

Pursue non-fishing activities ☐ Trading shares ☐ Other (explain) ☐

Health problems [] Enter other fisheries []

BLOCK I - TO BE COMPLETED BY THE TRANSFEREE

1. Will the QS/IFQ being purchased have a lien attached? ☐ Yes ☐ No

If **yes**, name of lien holder_____

2. What is the primary source of financing for this transfer (check one)?

Personal resources (cash) [] AK Com. Fish & Ag. Bank [] Received as a gift []

Private bank/credit union [] Transferor/seller [] NMFS loan program []

Alaska Dept. Of Commerce [] Processor/fishing company [] Other (explain) []

3. How was the QS/IFQ located (check all that apply)?

Relative [] Advertisement/public notice [] Broker []

Personal friend [] Casual acquaintance [] Other (explain) []

4. What is the Buyer's relationship to the QS/IFQ Holder (check all that apply)?

No relationship ☐ Business partner ☐ Other (explain) ☐

Family member [] Friend []

5. Is there an agreement to return the QS or IFQ to the Transferor (seller), or any other person, or a condition placed on resale? ☐ Yes ☐ No

If **yes**, please explain:

NOTE: This application for transfer must be completed, signed, and notarized by both parties. Failure to have signatures properly notarized will result in delays in the processing of this application.

BLOCK J - TRANSFEROR (SELLER)	
Under penalties of perjury, I declare that I have examined this application, and to the best of my knowledge and belief, the information presented here is true, correct, and complete.	
1. Signature of Transferor (Seller) or Authorized Agent:	2. Date:
3. Printed Name Transferor (Seller) or Authorized Agent Note: If this is completed by an agent, attach authorization:	
4. Notary Public Signature: ATTEST	5. Affix Notary Stamp or Seal Here:
6. Commission Expires:	

BLOCK K - TRANSFEREE (BUYER)	
Under penalties of perjury, I declare that I have examined this application, and to the best of my knowledge and belief, the information presented here is true, correct, and complete.	
1. Signature Transferee (Buyer) or Authorized Agent:	2. Date:
3. Printed Name Transferee (Buyer) or Authorized Agent Note: If this is completed by an agent, attach authorization:	
4. Notary Public Signature: ATTEST	5. Affix Notary Stamp or Seal Here:
5. Commission Expires:	



INSTRUCTIONS: Application for Transfer of QS/IFQ

Note: A Separate Application Must be submitted for each Quota Share or IFQ Transfer. If you want to apply for a “self sweep-up,” please use the *Self Sweep-Up Form*.

The original application must be submitted — an application sent by facsimile will **not** be processed.

Please allow at least ten working days for your application to be processed. Items will be sent by first class mail, unless you provide alternate instructions **and** include a prepaid mailer with appropriate postage or corporate account number for express delivery.

If you need assistance in completing this application or need additional information, call Restricted Access Management at **(800) 304-4846 (#2)** or **(907) 586-7202 (#2)**.

When completed, mail the application to

**NMFS Alaska Region
Restricted Access Management
P.O. Box 21668
Juneau, AK 99802-1668**

Note: It is important that all blocks are completed and all necessary documents are attached. Failure to answer any of the questions, provide attachments, or to have signatures notarized could result in delays in the processing of your application.

BLOCK A

Any person that received QS/IFQ as an Initial Issuee or that holds a Transfer Eligibility Certificate (TEC) is eligible to receive QS/IFQ by transfer. If you answer "No," the transferee (buyer) will need to contact RAM for instructions on eligibility procedures and a TEC application form.

BLOCK B

Use this list as a guide to make sure you have included all the necessary items in the mailing of your application. This will ensure timely processing of your transfer application. If you have lost your original certificate, you will need to complete an Application for Replacement of Certificates, Cards, or Permits.

BLOCKS C & D TRANSFEROR (SELLER) AND TRANSFEREE (BUYER)

1. Name: Full name as it appears on QS Certificate and/or Transfer Eligibility Certificate (TEC).
2. NMFS Person ID: As found on QS Certificate or TEC.
3. Date of Birth: Birth date of the person.

4. SSN or Tax ID:

Privacy Act Statement: *The Debt Collection Improvement Act, in Section 7701 of title 31, United States Code requires collection of this information from each person doing business with a federal agency. This information is used for purposes of collecting and reporting any delinquent amounts arising out of such person's relationship with the government. This information is also used to verify the identity of the applicant(s) and to accurately retrieve confidential records related to federal commercial fishery permits issued under 50 CFR Part 679.*

5. Permanent Business Mailing Address: Include street or P.O. Box number, city, state, and zip code.

6. Temporary Business Mailing Address: Address you want the transfer documentation sent if some-where other than to the permanent address. Include street or P.O. Box number, city, state, and zip code.

7-9. Home, Business, and Fax Numbers: Include the area codes.

BLOCK E - QUESTIONS FOR TRANSFEREE (BUYER)

1. Indicate if you wish to combine ("sweep up") the transferred block together with a block you already hold. Blocked QS's may be swept up into one block if the total amount of QS being combined is less than or equal to the following amounts of QS units per area.

Halibut		Sablefish	
<u>Area</u>	<u>Units</u>	<u>Area</u>	<u>Units</u>
2C	19,992	SE	33,270
3A	27,912	WY	43,390
3B	22,947	CG	46,055
4A	22,947	WG	48,410
4B	15,087	AI	99,210
4C	30,930	BS	91,275
4D	26,082		

2. Starting and ending serial numbers to be swept up.
3. If this is a transfer of Catcher Vessel CDQ compensation QS, there is a **one time** opportunity at the time of the first transfer to **permanently** designate the catcher vessel category of the QS being transferred.

BLOCKS F & G

The information requested in lines 1-6 can be found on your QS Certificate. Quota Share can be identified in the following manner: species, regulatory area, vessel category, blocked or unblocked, starting serial number, *through* species, regulatory area, vessel category, blocked or unblocked, and ending serial number. [For example, **H-2C-C-B-123,456 THROUGH H-2C-C-B-789,493**]

BLOCK F - IDENTIFICATION OF QS AND IFQ TO BE TRANSFERRED

This block should only be completed if you are transferring QS and the IFQ resulting from these shares. Persons wishing to transfer IFQ only (Category "A" shares, lease), should fill out Block G.

1. Species: halibut or sablefish.
2. IFQ Regulatory Area.
3. Vessel Category.
4. Number of units to be transferred.
5. Transferor (seller) IFQ permit number.
6. Starting and ending serial number of shares to be transferred.
7. A **specific number of pounds** must be indicated for each transfer. All **overage pounds** will be debited from any pounds transferred. The current QS holder may retain **underage pounds**. However, unless otherwise specified, the underage associated with the QS will be included in the transfer. Please indicate your specific intention.

BLOCK G - TRANSFER OF IFQ ONLY

This box should be completed if IFQ pounds only are being transferred (leased) and the QS will remain with the current holder of those shares. Effective January 2, 1998, only Category "A" or those shares received as a Surviving Spouse under the provisions in 50 CFR 679 may be transferred in this manner.

1. Species: halibut or sablefish.
2. IFQ Regulatory Area.
3. Number of units to be transferred.
4. Starting serial number of shares to be transferred to the ending serial number of shares to be transferred.
5. Specific number of pounds being transferred.
6. Transferor's (seller's) IFQ permit number.
7. The fishing year is the current year or year in which IFQ should be transferred. A transfer of IFQ only cannot be completed until the IFQ has been awarded for that year.

BLOCK H - REQUIRED SUPPLEMENTAL INFORMATION (Completed by Transferor)

1. Are you paying a third party to assist with this transaction? If **No**, go to question #2. If **Yes**, put the total price paid to the broker or calculate how much was paid to the third party as a percentage of the total sale price. (The percentage can be derived by using this formula: divide the brokerage fee by the total price paid for the QS/IFQ, then multiply the result by 100.)

- 2-3. The total amount entered should include **any and all** monies collected on behalf of the seller for the shares involved, including any fees that will be paid out to other parties for the expenses of brokering or assisting in the sale of these shares.

The price per pound of IFQ must be entered if IFQs **only** are being transferred ("leased"). (To derive the number of dollars per unit of QS or pound of IFQ, divide the total amount paid, including fees, by the number of QS units or the number of IFQ pounds being transferred.)

4. Please check all boxes that apply to this transaction.

BLOCK I - REQUIRED SUPPLEMENTAL INFORMATION
(Completed by Transferee)

1. Indicate if the QS will be used as collateral. List the name of entity or person(s) who will hold the lien. This name will appear on the QS Certificate as "Lien Held by."
- 2-4. Please check any and all boxes that apply to this transaction.
5. Regulations governing the IFQ program do not permit transfer of QS subject to any conditions of repossession or resale to the transferor except by court order, operation of law, or security agreement.

BLOCKS J & K
CERTIFICATION OF TRANSFEROR, TRANSFEE, AND NOTARY PUBLIC

1. Sign and print your name and date the application in the presence of a Notary Public. Application forms submitted to RAM must bear the **original signatures** of the parties — **RAM will not process faxed applications.**
2. Representatives signing for a Transferor or Transferee must submit proof of authorization to submit this application on their behalf.
3. A Notary Public must Attest and affix Notary Stamp. The Notary Public cannot be the person(s) submitting this application.

PUBLIC REPORTING BURDEN STATEMENT

Public reporting for this collection of information is estimated to average 2.0 hours per response, including the time for reviewing the instructions, searching the existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Assistant Regional Administrator, Sustainable Fisheries Division, NOAA National Marine Fisheries Service, P.O. Box 21668, Juneau, AK 99802-1668.

ADDITIONAL INFORMATION

Before completing this form please note the following: 1) Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information, subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number; 2) This information is mandatory and is required to manage commercial fishing efforts under 50 CFR part 679 and under section 402(a) of the Magnuson-Stevens Act (16 U.S.C. 1801, et seq.); 3) Responses to this information request are confidential under section 104(b) of the Magnuson-Stevens Act (16 U.S.C. 1801, et seq.). They are also confidential under NOAA Administrative Order 216-100, which sets forth procedures to protect confidentiality of fishery statistics. These procedures have been implemented under the NMFS Operations Manual entitled, "Data Security Handbook for the Northwest-Alaska Region National Marine Fisheries Service."



**APPLICATION FOR
TRANSFER OF QS/IFQ BY
SELF SWEEP-UP**

U.S. Dept. of Commerce/NOAA
National Marine Fisheries Service
Restricted Access Management
P.O. Box 21668
Juneau, AK 99802-1668



BLOCK A - INSTRUCTIONS

To complete a **"Self Sweep-Up"** (i.e., to combine two blocks that you currently hold), use this form instead of the standard Application for Transfer of QS/IFQ form. In the space provided, identify yourself and the blocks of QS you wish to combine; sign and date the application in the presence of a Notary Public; **attach both original QS certificates**; and submit all to RAM at the address above. **NOTE:** To be combined, QS must be in the same **Vessel Category**, and the resulting block size must not exceed the **Sweep Up Limits** (see block B).

BLOCK B - SWEEP UP LIMITS

Halibut	Quota Share	Sablefish	Quota Share
<u>Area</u>	<u>Units</u>	<u>Area</u>	<u>Units</u>
2C	19,992	SE	33,270
3A	27,912	WY	43,390
3B	44,193	CG	46,055
4A	22,947	WG	48,410
4B	15,087	AI	99,210
4C	30,930	BS	91,275
4D	26,082		

BLOCK C - APPLICANT INFORMATION (Type or Print legibly)

1. Name:		2. NMFS Person ID:	
3. Date of Birth:		4. SSN or Tax ID:	
5. Permanent Business Mailing Address:		6. Temporary Business Mailing Address:	
7. Home Phone:	8. Business Phone:	9. Fax:	

BLOCK D - FIRST QUOTA SHARE BLOCK

1. Halibut [] or Sablefish []	2. IFQ Regulatory Area:
3. Vessel Category:	4. Number of QS Units to be Swept up:
5. Numbered From:	6. Numbered To:

BLOCK E - SECOND QUOTA SHARE BLOCK

1. Halibut [] or Sablefish []	2. IFQ Regulatory Area:
3. Vessel Category:	4. Number of QS Units to be Swept up:
5. Numbered From:	6. Numbered To:

BLOCK F - CERTIFICATION OF NOTARY AND APPLICANT

Under penalty of perjury, I declare that I have examined this application, and to the best of my knowledge and belief, the information presented hereon is true, correct, and complete.

1. Signature of QS holder or Authorized Agent:

2. Date:

3. Printed Name of QS Holder or Authorized Agent: **Note:** If this is completed by an agent, attach authorization:

4. Notary Public (Signature): **ATTEST**

6. Affix Notary Stamp or Seal Here:

5. Commission Expires:

Please mail completed application to **NMFS Alaska Region, Restricted Access Management, P.O. Box 21668, Juneau, AK 99802-1668**. If you need additional information, call RAM at (800) 304-4846 (#2) or (907) 586-7202 (#2). **Please allow at least ten working days for your application to be processed.** Items will be sent by first class mail, unless you provide alternate instructions **and** include a prepaid mailer with appropriate postage or corporate account number for express delivery. **Note:** RAM will not process faxed applications.

Privacy Act Statement: The Debt Collection Improvement Act, in Section 7701 of title 31, United States Code requires collection of this information from each person doing business with a federal agency. This information is used for purposes of collecting and reporting any delinquent amounts arising out of such person's relationship with the government. This information is also used to verify the identity of the applicant(s) and to accurately retrieve confidential records related to federal commercial fishery permits issued under 50 CFR Part 679.

PUBLIC REPORTING BURDEN STATEMENT

Public reporting burden for this collection of information is estimated to average 0.2 hours per response, including the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Assistant Regional Administrator, Sustainable Fisheries Division, NOAA National Marine Fisheries Service, P.O. Box 21668, Juneau, AK 99801.

ADDITIONAL INFORMATION

Before completing this form please note the following: 1) Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number; 2) This information is mandatory and is required to manage commercial fishing efforts under 50 CFR part 679 and under section 402(a) of the Magnuson-Stevens Act (16 U.S.C. 1801, et seq.); 3) Responses to this information request are confidential under section 402(b) of the Magnuson-Stevens Act (16 U.S.C. 1801, et seq.). They are also confidential under NOAA Administrative Order 216-100, which sets forth procedures to protect confidentiality of fishery statistics. These procedures have been implemented under the NMFS Operations Manual entitled, "Data Security Handbook for the Northwest-Alaska Region National Marine Fisheries Service."



APPLICATION FOR IFQ/CDQ LANDING CARD

U.S. Dept. of Commerce/NOAA
National Marine Fisheries Service
Restricted Access Management Program
P.O. Box 21668
Juneau, AK 99802-1668



BLOCK A - PURPOSE OF APPLICATION

Add Cardholder ☐ Delete Cardholder ☐ Indicate permit(s) that this action applies to:

Sablefish Permit Number _____

Halibut Permit Number _____

Category A B C D

Category A B C D

BLOCK B - PERMIT HOLDER INFORMATION

1. Name of **Permit** Holder:

2. NMFS Person ID:

3. SSN or TAX ID:

4. Business Mailing Address: Permanent ☐ Temporary ☐

5. Home Phone:

6. Business Phone:

7. Fax:

BLOCK C - IDENTIFICATION OF VESSEL UPON WHICH IFQ/CDQ HALIBUT OR SABLEFISH WILL BE FISHED

1. Vessel Name:

2. LOA:

3. ADF&G Number:

4. USCG Number:

5. Does the IFQ Permit Holder hold an ownership interest of at least 20% in the named vessel? Yes ☐ No ☐

NOTE: TO DEMONSTRATE PERCENT OF VESSEL OWNERSHIP BY IFQ PERMIT HOLDER, A COPY OF THE COAST GUARD *ABSTRACT OF TITLE OR CERTIFICATE OF DOCUMENTATION* MUST BE INCLUDED WITH THIS APPLICATION!

BLOCK D - CARD HOLDER INFORMATION

(If you have more than one card holder, use the additional card holder sections below)

1. Name of **Card** Holder:

2. NMFS Person ID (if any):

3. SSN or TAX ID:

4. Date of Birth:

5. Business Mailing Address: Permanent ☐ Temporary ☐

6. Home Phone:

7. Business Phone:

8. Fax:

CARD HOLDER INFORMATION - CONTINUED
(Use this section for additional card holders)

1. Name of Card Holder:	2. NMFS Person ID (if any):	
3. SSN or TAX ID:	4. Date of Birth:	
5. Business Mailing Address: Permanent [] Temporary []		
6. Home Phone:	7. Business Phone:	8. Fax:

CARD HOLDER INFORMATION - CONTINUED
(Use this section for additional card holders)

1. Name of Card Holder:	2. NMFS Person ID (if any):	
3. SSN or TAX ID:	4. Date of Birth:	
5. Business Mailing Address: Permanent [] Temporary []		
6. Home Phone:	7. Business Phone:	8. Fax:

BLOCK E - CERTIFICATION OF PERMIT HOLDER AND NOTARY

Under penalties of perjury, I declare that I have examined this application, and to the best of my knowledge and belief, the information presented here is true, correct and complete.

1. Signature of Applicant or Authorized Agent:	2. Date:
3. Printed Name of Applicant or Authorized Agent (Note: If this is completed by an agent, attach authorization):	
4. Notary Public Signature: ATTEST	5. Affix Notary Stamp or Seal Below
6. Commission Expires:	



INSTRUCTIONS

Application for IFQ/CDQ Landing Card

GENERAL INSTRUCTIONS

This application must be used to obtain Pacific halibut and sablefish Individual Fishing Quota/Community Development Quota (IFQ/CDQ) cards for hired skippers where authorized under regulations at 50 CFR Part 679; and to obtain cards for halibut CDQ fishing. A separate application must be completed for **each vessel and IFQ or CDQ permit number**.

- Type or print information legibly in ink and retain a copy of completed application for your records.
- Mail completed forms and proof of vessel ownership to: **NMFS Alaska Region, Restricted Access Management, P.O. Box 21668, Juneau, AK 99802-1668.**
- If you need additional information, call Restricted Access Management (RAM) at (800) 304-4846 (#2) or (907) 586-7202 (#2).
- **Please allow at least 10 working days for your application to be processed. Items will be sent by first class mail to the hired skipper's permanent address**, unless you provide alternate instructions **and** include a prepaid mailer with appropriate postage or corporate account number for express delivery.

PROGRAM REQUIREMENTS

- IFQ permit holders who are not individuals **MUST** designate a skipper to fish their IFQ or obtain a card to access their account. RAM will not automatically send a card to the representative or the agent of non-individual quota share (QS) holders.
- With few exceptions, persons holding catcher vessel QS/IFQ hiring skippers must own (either directly or indirectly) at least 20 percent of the vessel upon which their hired skipper will fish the IFQ. Proof of vessel ownership is required to be submitted each year.
- Category "A" (freezer vessel) and CDQ permit holders do not need to send proof of vessel ownership but must supply the vessel information requested in Block C.
- **Individual IFQ holders may not designate a skipper to harvest IFQ in Regulatory Areas 2C (for halibut) and SE (for sablefish).**

INSTRUCTIONS FOR COMPLETING FORM

BLOCK A - PURPOSE OF APPLICATION

- Check the appropriate box to designate your purpose for submitting this application.
- Sablefish or Halibut Permit Number & Category - Use the appropriate box to designate the species for which you wish to hire a skipper and circle the QS Vessel Category. Halibut and Sablefish permit numbers appear on IFQ fishing permits.

BLOCK B - PERMIT HOLDER INFORMATION

1. Name of Permit Holder - Name as it appears on your QS certificate or IFQ permit.
2. NMFS Person ID - The number assigned to the permit holder by RAM.
3. SSN or Tax ID

Privacy Act Statement: Federal regulations (at 50 CFR Part 679) authorize collection of this information. This information is used to verify the identity of the applicant(s) and to accurately retrieve confidential records related to federal commercial fishery permits. Where the requested information is a Social Security Number (SSN), disclosure is voluntary; in the event it is not provided, NMFS will assign a unique code that will identify the records.

4. Business Mailing Address - Include street or P.O. Box, city, state, and zip code. If you choose Permanent Address, we will update the official RAM database. If you choose Temporary Address, we will use it for this one application and there will not be any changes to the RAM database.
- 5-7. Phone and Fax - Home phone, business phone, and fax numbers where the permit holder or the authorized representative can be reached, including area codes.

BLOCK C - IDENTIFICATION OF VESSEL UPON WHICH IFQ/CDQ HALIBUT WILL BE FISHED

1. Name of the vessel on which the hired skipper will be fishing your IFQs.
2. Length overall of the vessel.
3. ADF&G number of the vessel.
4. Official USCG number of the vessel.
5. State whether or not you own 20 percent of the vessel identified in this block. With few exceptions, a minimum of 20 percent ownership in the vessel is required in order to hire a skipper to fish your IFQ.

You must submit a current copy of USCG Abstract of Title or Documentation demonstrating the percentage of the permit holder's ownership interest in the named vessel. A current copy of the USCG Abstract of Title or Documentation can be obtained by contacting the USCG National Vessel Documentation Center at 2039 Stonewall Jackson Drive, Falling Waters, WV 25419 or by telephone at (800) 799-8362 or (304) 271-2400. Category "A" (freezer vessel) and CDQ permit holders must supply the vessel information requested in Block C, but do not need to send proof of vessel ownership.

BLOCK D - CARD HOLDER INFORMATION

NOTE: Complete each section for each card holder you are requesting to have an IFQ/CDQ permit card.

1. Name of Card Holder - Name of the card holder as you wish it to appear on the IFQ permit card.
2. NMFS Person ID - The number assigned to you by RAM.
3. SSN or Tax ID - See Privacy Act Statement above.
4. Date of Birth - Date of birth of the card holder.

5. Business Mailing Address - Include street or P.O. Box, city, state, and zip code. If you check Permanent Address, we will update the official RAM database. If you choose Temporary Address, we will use it for this one application and there will not be any changes to the RAM database. **Items will be sent by first class mail to the card holder's permanent address** unless you provide alternate instructions.
- 6-8. Phone and Fax - Home phone, business phone, and fax numbers where card holder can be reached, including area code.

BLOCK E - CERTIFICATION OF PERMIT HOLDER AND NOTARY

- 1-2. Sign, print, and date the application in the presence of a Notary Public. As a result of this requirement, **we cannot process faxed applications.**
3. Representatives of permit holders must submit proof of authorization signed by the permit holder to submit this application on their behalf.
- 4-6. A Notary Public other than the applicant must Attest (to certify in an official capacity by signature or oath) and affix Notary Stamp.

PUBLIC REPORTING BURDEN STATEMENT

Public reporting burden for this collection of information is estimated to average 0.5 hours per response, including the time for reviewing the instructions, searching the existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden estimate or any other aspect of this collection of information, to Assistant Regional Administrator, Sustainable Fisheries Division, NOAA National Marine Fisheries Service, P.O. Box 21668, Juneau, AK 99802-1668.

ADDITIONAL INFORMATION

Before completing this form, please note the following: 1) Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number; 2) This information is mandatory and is required to manage commercial fishing efforts under 50 CFR part 679 and under section 402(a) of the Magnuson-Stevens Act (16 U.S.C. 1801, et seq.); 3) Responses to this information request are confidential under section 402(b) of the Magnuson-Stevens Act (16 U.S.C. 1801, et seq.). They are also confidential under NOAA Administrative Order 216-100, which sets forth procedures to protect confidentiality of fishery statistics. These procedures have been implemented under the NMFS Operations Manual entitled, "Data Security Handbook for the Northwest-Alaska Region National Marine Fisheries Service."

2001 IFQ/CDQ MANUAL LANDING REPORT

OMB Control No. 0648-0272 Exp. Date 10/31/2001

NOAA Office For Enforcement
P.O. Box 21767, Juneau, AK 99802
Data Clerk: (800) 304-4846 or (907) 586-7163

[] REVISION* [] ORIGINAL

*(All revisions must have written approval from a clearing officer.)

FAX TO: (907) 586-7313

Landing Information _____
Date _____ Time of Report _____ Location (latitude / longitude if at sea) _____

IFQ Cardholder Name	Halibut IFQ/CDQ Permit No.
	Sablefish IFQ/CDQ Permit No.
Registered Buyer Name	Registered Buyer Permit No.
Vessel Name	ADF&G No.

Gear Code **5** - Hand Troll **25** - Dinglebar Troll **61** - Hook and Line
(Circle only one) **15** - Power Gurdy Troll **26** - Jigs **91** - Pot Gear

Use a separate line for each area, species, and product code. Use a second page if necessary.

ADF&G Statistical Area (6 digit)	Is Ice and Slime Present?	Is Halibut Incidental?*	Fish Ticket Number	Species Code	Product Code	Product Weight Sold (lb.)	Product Weight Retained (lb.)

* Is Halibut Incidental to Salmon or Lingcod Harvested with Dinglebar Gear?

Registered Buyer Signature

IFQ/CDQ Card Holder Signature

FAX # _____

Contact # _____

NOAA Enforcement Signature

Instructions: This form must be accurately completed by the Registered Buyer. This form will constitute receipt by NOAA Office For Enforcement of the IFQ/CDQ Landing Report and that the cardholder's account was properly debited **ONLY** when all three of the above signatures are included. The landing report is not complete without all three signatures.

PUBLIC REPORTING BURDEN STATEMENT

Public reporting burden for this collection of information is estimated to average 12 minutes per response, including the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Sue Salvesson, Assistant Regional Administrator, Sustainable Fisheries, National Marine Fisheries Service, P.O. Box 21668, Juneau, AK 99802.

ADDITIONAL INFORMATION

Before completing this form, please note the following: 1) Notwithstanding any other provision of the law, no person is required to, nor shall any person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number; 2) This information is mandatory, is required to manage commercial fishing effort under 50 CFR part 679 and under section 402(a) of the Magnuson-Stevens Act (16 U.S.C. 1801, et seq); 3) Responses to this information request are confidential under section 402(b) of the Magnuson-Stevens Act (16 U.S.C. 1801, et seq). It is also confidential under NOAA Administrative Order 216-100, which sets forth procedures to protect confidentiality of fishery statistics. These procedures have been implemented under the NMFS Operations Manual entitled, "Data Security Handbook for the Northwest-Alaska Region National Marine Fisheries Service."

§ 679.30

50 CFR Ch. VI (10–1–00 Edition)

(ii) The date the engineer measured the bins and witnessed the location of the marked increments and numerals;

(iii) A diagram, to scale, of each bin showing the location of the marked increments on each internal wall of the bin, the location, and dimensions of each viewing port or hatch, and any additional information needed to estimate the volume of fish in the bin;

(iv) Tables indicating the volume of each certified bin in cubic meters for each 10-cm increment marked on the sides of the bins;

(v) Instructions for determining the volume of fish in each bin from the marked increments and table; and

(vi) The person's name and signature and the date on which the completed bin certification documents were signed.

(4) *Recertification.* The bin's volume and the marked and numbered increments must be recertified if the bin is modified in a way that changes its size or shape or if marking strips or marked increments are moved or added.

(5) *Operational requirements—(i) Placement of catch in certified bins.* All catch must be placed in a bin certified under this paragraph (e) to estimate total catch weight prior to sorting. Refrigerated seawater tanks may be used for volumetric estimates only if the tanks comply with all other requirements of this paragraph (e). No adjustments of volume will be made for the presence of water in the bin or tank.

(ii) *Prior notification.* Vessel operators must notify observers prior to any removal of fish from or addition of fish to each bin used for volumetric measurements of catch so that an observer may make bin volume estimates prior to fish being removed from or added to the bin. Once a volumetric estimate has been made, additional fish may not be added to the bin until at least half the original volume has been removed. Fish may not be removed from or added to a bin used for volumetric estimates of catch weight until an observer indicates that bin volume estimates have been completed and any samples of catch required by the observer have been taken.

(iii) Fish from separate hauls or deliveries from separate harvesting ves-

sels may not be mixed in any bin used for volumetric measurements of catch.

(iv) The bins must not be filled in a manner that obstructs the viewing ports or prevents the observer from seeing the level of fish throughout the bin.

[63 FR 5843, Feb. 4, 1998, as amended at 63 FR 30401, June 4, 1998; 65 FR 61982, Nov. 15, 1999; 65 FR 33782, May 25, 2000]

EFFECTIVE DATE NOTE: At 63 FR 5836, Feb. 4, 1998, § 679.28 was added, effective Mar. 6, 1998, except paragraph (b)(2)(iii)(B). This paragraph contains information collection and recordkeeping requirements and will not become effective until approval has been given by the Office of Management and Budget.

Subpart C—Western Alaska Community Development Quota Program

§ 679.30 General CDQ regulations.

(a) *Application procedure.* The CDQ program is a voluntary program. Allocations of CDQ and PSQ are made to CDQ groups and not to vessels or processors fishing under contract with any CDQ group. Any vessel or processor harvesting or processing CDQ or PSQ under a CDP must comply with all other requirements of this part. In addition, the CDQ group is responsible to ensure that vessels and processors listed as eligible on the CDQ group's approved CDP comply with all requirements of this part while harvesting or processing CDQ species. Allocations of CDQ and PSQ are harvest privileges that expire upon the expiration of the CDP. When a CDP expires, further CDQ allocations are not implied or guaranteed, and a qualified applicant must re-apply for further allocations on a competitive basis with other qualified applicants. The CDQ allocations provide the means for CDQ groups to complete their CDQ projects. A qualified applicant may apply for CDQ and PSQ allocations by submitting a proposed CDP to the State during the CDQ application period that is announced by the State. A proposed CDP must include the following information:

(1) *Community development information.* Community development information includes:

(i) *Project description.* A detailed description of all proposed CDQ projects, including the short-and long-term benefits to the qualified applicant from the proposed CDQ projects. CDQ projects should not be designed with the expectation of CDQ allocations beyond those requested in the proposed CDP.

(ii) *Project schedule.* A schedule for the completion of each CDQ project with measurable milestones for determining the progress of each CDQ project.

(iii) *Employment.* The number of individuals to be employed through the CDP projects, and a description of the nature of the work and the career advancement potential for each type of work.

(iv) *Community eligibility.* A list of the participating communities. Each participating community must be listed in Table 7 to this part or meet the criteria for an eligible community under § 679.2.

(v) *Community support.* A demonstration of each participating community's support for the qualified applicant and the managing organization through an official letter approved by the governing body of each such community.

(2) *Managing organization information.* A proposed CDP must include the following information about the managing organization:

(i) *Structure and personnel.* A description of the management structure and key personnel of the managing organization, such as resumes and references, including the name, address, fax number, and telephone number of the qualified applicant's CDQ representative.

(ii) *Management qualifications.* A description of how the managing organization is qualified to carry out the CDP projects in the proposed CDP, and a demonstration that the managing organization has the management, technical expertise, and ability to manage CDQ allocations and prevent exceeding a CDQ or PSQ.

(iii) *Legal relationship.* Documentation of the legal relationship between the qualified applicant and the managing organization (if the managing organization is different from the qualified applicant) clearly describing the responsibilities and obligations of each

party as demonstrated through a contract or other legally binding agreement.

(iv) *Board of directors.* The name, address, and telephone number of each member of the board of directors of the qualified applicant. If a qualified applicant represents more than one community, the board of directors of the qualified applicant must include at least one member from each of the communities represented.

(3) *Business information.* A proposed CDP must include the following business information:

(i) *Business relationships.* A description of all business relationships between the qualified applicant and all individuals who have a financial interest in a CDQ project or subsidiary venture, including, but not limited to, any arrangements for management and audit control and any joint venture arrangements, loans, or other partnership arrangements, including the distribution of proceeds among the parties.

(ii) *Profit sharing.* A description of all profit sharing arrangements.

(iii) *Funding.* A description of all funding and financing plans.

(iv) *General budget for implementing the CDP.* A general account of estimated income and expenditures for each CDQ project for the total number of calendar years that the CDP is in effect.

(v) *Financial statement for the qualified applicant.* The most recent audited income statement, balance sheet, cash flow statement, management letter, and agreed upon procedures report.

(vi) *Organizational chart.* A visual representation of the qualified applicant's entire organizational structure, including all divisions, subsidiaries, joint ventures, and partnerships. This chart must include the type of legal entity for all divisions, subsidiaries, joint ventures, and partnerships; state of registration of the legal entity; and percentage owned by the qualified applicant.

(4) *Request for CDQ and PSQ allocations.* A list of the percentage of each CDQ reserve and PSQ reserve, as described at § 679.31 that is being requested. The request for allocations of CDQ and PSQ must identify percentage

allocations requested for CDQ fisheries identified by the primary target species of the fishery as defined by the qualified applicant and the gear types of the vessels that will be used to harvest the catch.

(5) *Fishing plan for groundfish and halibut CDQ fisheries.* The following information must be provided for all vessels that will be groundfish CDQ fishing, all vessels equal to or greater than 60 ft (18.3 m) LOA that will be halibut CDQ fishing, and for all shoreside processors that will take delivery of groundfish CDQ species from these vessels.

(i) *List of eligible vessels and processors—(A) Vessels—(1) Information required for all vessels.* A list of the name, Federal fisheries permit number (if applicable), ADF&G vessel number, LOA, gear type, and vessel type (catcher vessel, catcher/processor, or mothership). For each vessel, report only the gear types and vessel types that will be used while CDQ fishing. Any CDQ vessel that is exempt from license limitation requirements under § 679.4(k)(2)(iv) of this part must be identified as such.

(2) *Information required for observed vessels using trawl or hook-and-line gear and motherships taking deliveries from these vessels.* For each catcher/processor and catcher vessel 60 ft (18.29 m) LOA or greater using trawl or hook-and-line gear and not delivering unsorted codends, or for each mothership, the CDP must include the following information that will be used by NMFS to determine whether sufficient observer coverage is provided to sample each CDQ haul, set, or delivery. Provide the information for groundfish CDQ fishing as defined under § 679.2 and provide separate information by management area or fishery if information differs among management areas or fisheries.

(i) Number of CDQ observers that will be aboard the vessel. For catcher/processors using hook-and-line gear proposing to carry only one CDQ observer, the CDP must include vessel logbook or observer data that demonstrates that one CDQ observer can sample each set for species composition in one 12-hour shift per fishing day.

(ii) Average and maximum number of hauls or sets that will be retrieved on any given fishing day while groundfish CDQ fishing.

(iii) For vessels using trawl gear, the average and maximum total catch weight for any given haul while groundfish CDQ fishing.

(iv) For vessels using trawl gear, the number of hours necessary to process the average and maximum haul size while groundfish CDQ fishing.

(v) For vessels using hook-and-line gear, the average number of hooks in each set and estimated time it will take to retrieve each set while groundfish CDQ fishing.

(vi) Whether any halibut CDQ will be harvested by vessels groundfish CDQ fishing.

(B) *Shoreside processors.* A list of the name, Federal processor permit number, and location of each shoreside processor that is required to have a Federal processor permit under § 679.4(f) and will take deliveries of, or process, groundfish CDQ catch from any vessel groundfish CDQ fishing or from vessels equal to or greater than 60 ft (18.3 m) LOA that are halibut CDQ fishing.

(ii) *Sources of data or methods for estimating CDQ and PSQ catch.* The sources of data or methods that will be used to determine catch weight of CDQ and PSQ for each vessel or processor proposed as eligible under the CDP. For each vessel or processor, the CDP must specify whether the NMFS' standard sources of data set forth at § 679.32(d)(2) or some other alternative will be used. For catcher vessels using nontrawl gear, the CDP must also specify whether the vessel will be retaining all groundfish CDQ catch (Option 1) or will be discarding some groundfish CDQ catch at sea (Option 2). The qualified applicant may propose the use of an alternative method such as the sorting and weighing of all catch by species on processor vessels or using larger sample sizes than could be collected by one observer. NMFS will review the proposal and approve it or notify the qualified applicant in writing if the proposed alternative does not meet these requirements. The qualified applicant may remove the vessel or processor for which the alternative method is proposed from the proposed CDP to facilitate approval of the CDP and add the vessel or processor to the approved CDP by substantial amendment at a

later date. Alternatives to the requirement for a certified scale or an observer sampling station may not be proposed. NMFS will review the alternative proposal to determine if it meets all of the following requirements:

(A) The alternative proposed must provide equivalent or better estimates than use of the NMFS standard data source would provide and the estimates must be independently verifiable;

(B) Each haul or set on an observed vessel must be able to be sampled by an observer for species composition;

(C) Any proposal to sort catch before it is weighed must assure that the sorting and weighing process will be monitored by an observer; and

(D) The time required for the CDQ observer to complete sampling, data recording, and data communication duties shall not exceed 12 hours in each 24-hour period and the CDQ observer is required to sample no more than 9 hours in each 24-hour period.

(iii) *Amendments to the list of eligible vessels and processors.* The list of eligible vessels and processors may be amended by submitting the information required in paragraphs (a)(5)(i) and (ii) of this section as an amendment to the approved CDP. A technical amendment may be used to remove any vessel from a CDP, to add any vessel to a CDP if the CDQ group will use NMFS' standard sources of data to determine CDQ and PSQ catch for the vessel, or to add any vessel to a CDP for which an alternative method of determining CDQ and PSQ catch has been approved by NMFS under an approved CDP for another CDQ group. A substantial amendment must be used to add a vessel to an approved CDP if the CDQ group submits a proposed alternative method of determining CDQ and PSQ catch for NMFS review.

(6) *CDQ planning*—(i) *Transition plan.* A proposed CDP must include an overall plan and schedule for transition from reliance on CDQ allocations to self-sufficiency in fisheries. The plan for transition to self-sufficiency must be based on the qualified applicant's long-term revenue stream without CDQs.

(ii) *Post-allocation plan.* [Reserved]

(b) *Public hearings on CDQ application.* When the CDQ application period has ended, the State must hold a public hearing to obtain comments on the proposed CDPs from all interested persons. The hearing must cover the substance and content of proposed CDPs so that the general public, particularly the affected parties, have a reasonable opportunity to understand the impact of the proposed CDPs. The State must provide reasonable public notification of hearing date and location. At the time of public notification of the hearing, the State must make available for public review all State materials pertinent to the hearing.

(c) *Council consultation.* Before the State sends its recommendations for approval of proposed CDPs to NMFS, the State must consult with the Council and make available, upon request, the proposed CDPs that are not part of the State's recommendations.

(d) *Review and approval of proposed CDPs.* The State must transmit the proposed CDPs and its recommendations for approval of each of the proposed CDPs to NMFS, along with the findings and the rationale for the recommendations, by October 15 of the year prior to the first year of the proposed CDP, except in 1998, when CDPs for the 1998 through 2000 multispecies groundfish CDQs must be submitted by July 6, 1998. The State shall determine in its recommendations for approval of the proposed CDPs that each proposed CDP meets all applicable requirements of this part. Upon receipt by NMFS of the proposed CDPs and the State's recommendations for approval, NMFS will review the proposed CDPs and approve those that it determines meet all applicable requirements. NMFS shall approve or disapprove the State's recommendations within 45 days of their receipt. In the event of approval of the CDP, NMFS will notify the State in writing that the proposed CDP is approved by NMFS and is consistent with all requirements for CDPs. If NMFS finds that a proposed CDP does not comply with the requirements of this part, NMFS must so advise the State in writing, including the reasons thereof. The State may submit a revised proposed CDP along with revised recommendations for approval to NMFS.

(e) *Transfer.* CDQ groups may request that NMFS transfer CDQ allocations, CDQ, PSQ allocations, or PSQ from one group to another by each group filing an appropriate amendment to its CDP. Transfers of CDQ and PSQ allocations must be in whole integer percentages, and transfers of CDQ and PSQ must be in whole integer amounts. If NMFS approves both amendments, NMFS will make the requested transfer(s) by decreasing the account balance of the CDQ group from which the CDQ or PSQ species is transferred by the amount transferred and by increasing the account balance of the CDQ group receiving the transferred CDQ or PSQ species by the amount transferred. NMFS will not approve transfers to cover overages of CDQ or PSQ.

(1) *CDQ allocation.* CDQ groups may request that NMFS transfer any or all of one group's CDQ allocation to another by each group filing an amendment to its CDP through the CDP substantial amendment process set forth at paragraph (g)(4) of this section. The CDQ allocation will be transferred as of January 1 of the calendar year following the calendar year NMFS approves the amendments of both groups and is effective for the duration of the CDPs.

(2) *CDQ.* CDQ groups may request that NMFS transfer any or all of one group's CDQ for a calendar year to another by each group filing an appropriate amendment to its CDP. If the amount to be transferred is 10 percent or less of a group's initial CDQ amount for that year, that group's request may be made through the CDP technical amendment process set forth at paragraph (g)(5) of this section. If the amount to be transferred is greater than 10 percent of a group's initial CDQ amount for the year, that group's request must be made through the CDP substantial amendment process set forth at paragraph (g)(4) of this section. The CDQ will be transferred as of the date NMFS approves the amendments of both groups and is effective only for the remainder of the calendar year in which the transfer occurs.

(3) *PSQ allocation.* CDQ groups may request that NMFS transfer any or all of one group's PSQ allocation to another CDQ group through the CDP sub-

stantial amendment process set forth at paragraph (g)(4) of this section. Each group's request must be part of a request for the transfer of a CDQ allocation, and the requested amount of PSQ allocation must be the amount reasonably required for bycatch needs during the harvesting of the CDQ. Requests for the transfer of a PSQ allocation may be submitted to NMFS from January 1 through January 31. Requests for transfers of a PSQ allocation will not be accepted by NMFS at other times of the year. The PSQ allocation will be transferred as of January 1 of the calendar year following the calendar year NMFS approves the amendments of both groups and is effective for the duration of the CDPs.

(4) *PSQ.* CDQ groups may request that NMFS transfer any or all of one group's PSQ for one calendar year to another by each group filing an amendment to its CDP through the CDP substantial amendment process set forth at paragraph (g)(4) of this section. Each group's request must be part of a request for the transfer of CDQ, and the requested amount of PSQ must be the amount reasonably required for bycatch needs during the harvesting of the CDQ. Requests for the transfer of PSQ may be submitted to NMFS from January 1 through January 31. Requests for transfers of PSQ will not be accepted by NMFS at other times of the year. The PSQ will be transferred as of the date NMFS approves the amendments of both groups and is effective only for the remainder of the calendar year in which the transfer occurs.

(f) *CDQ group responsibilities.* A CDQ group's responsibilities include, but are not limited to, the following:

(1) Direct and supervise all activities of the managing organization;

(2) Maintain the capability to communicate with all vessels harvesting its CDQ and PSQ at all times;

(3) Monitor the catch of each CDQ or PSQ;

(4) Submit the CDQ catch report described at § 679.5(n)(2);

(5) Ensure that no CDQ, halibut PSQ, or crab PSQ is exceeded;

(6) Ensure that the CDQ group's CDQ harvesting vessels and CDQ processors will:

(i) Provide observer coverage, equipment, and operational requirements for CDQ catch monitoring;

(ii) Provide for the communication of observer data from their vessels to NMFS and the CDQ representative;

(iii) Maintain contact with the CDQ group for which it is harvesting CDQ and PSQ;

(iv) Cease fishing operations when requested by the CDQ group; and

(v) Comply with all requirements of this part while harvesting or processing CDQ species.

(7) Comply with all requirements of this part.

(g) *Monitoring of CDPs*—(1) *Annual progress report.* (i) The State must submit to NMFS, by October 31 of each year, an annual progress report for the previous calendar year for each CDP.

(ii) Annual progress reports must be organized on a project-by-project basis and include information for each CDQ project in the CDP describing how each scheduled milestone in the CDP has been met, and an estimation by the State of whether each of the CDQ projects in the CDP is likely to be successful.

(iii) The annual report must include a description by the State of any problems or issues in the CDP that the State encountered during the annual report year.

(2) *Annual budget report.* (i) Each CDQ group must submit to NMFS an annual budget report by December 15 preceding the year for which the annual budget applies.

(ii) An annual budget report is a detailed estimate of the income from the CDQ project and of the expenditures for each subsidiary, division, joint venture, partnership, investment activity, or CDQ project as described in paragraph (a)(1)(i) of this section for a calendar year. A CDQ group must identify the administrative costs for each CDQ project. The CDQ group's total administrative costs will be considered a separate CDQ project.

(iii) An annual budget report is approved upon receipt by NMFS, unless disapproved by NMFS in writing by December 31. If disapproved, the annual budget report will be returned to the CDQ group for revision and resubmittal to NMFS.

(3) *Annual budget reconciliation report.*

A CDQ group must reconcile its annual budget by May 30 of the year following the year for which the annual budget applied. Reconciliation is an accounting of the annual budget's estimated income and expenditures with the actual income and expenditures, including the variance in dollars and variance in percentage for each CDQ project that is described in paragraph (a)(1)(i) of this section.

(4) *Substantial amendments.* A CDP is a working business plan and must be kept up to date.

(i) Substantial amendments to a CDP require a written request by the CDQ group to the State and NMFS for approval of the amendment. The State must forward the amendment to NMFS with a recommendation as to whether it should be approved.

(ii) NMFS will notify the State in writing of the approval or disapproval of the amendment within 30 days of receipt of both the amendment and the State's recommendation. Except for substantial amendments for the transfer of CDQ and PSQ, which are effective only for the remainder of the calendar year in which the transfer occurs (see paragraphs (e)(2) and (4) of this section), once a substantial amendment is approved by NMFS, the amendment will be effective for the duration of the CDP.

(iii) If NMFS determines that the CDP, if changed, would no longer meet the requirements of this subpart, NMFS will notify the State in writing of the reasons why the amendment cannot be approved.

(iv) For the purposes of this section, substantial amendments are defined as changes in a CDP, including, but not limited to:

(A) Any change in the list of communities comprising the CDQ group or replacement of the managing organization.

(B) A change in the CDP applicant's harvesting or processing partner.

(C) Funding a CDP project in excess of \$100,000 that is not part of an approved general budget.

(D) More than a 20-percent increase in the annual budget of an approved CDP project.

(E) More than a 20-percent increase in actual expenditures over the approved annual budget for administrative operations.

(F) A change in the contractual agreement(s) between the CDQ group and its harvesting or processing partner or a change in a CDP project, if such change is deemed by the State or NMFS to be a material change.

(G) Any transfer of a CDQ allocation, PSQ allocation, PSQ, or a transfer of more than 10 percent of a CDQ.

(H) The addition of a vessel to a CDP if the CDQ group submits a proposed alternative method of determining CDQ and PSQ catch under paragraph (a)(5)(ii) of this section for NMFS review.

(v) The request for approval of a substantial amendment to a CDP shall include the following information:

(A) The background and justification for the amendment that explains why the proposed amendment is necessary and appropriate.

(B) An explanation of why the proposed change to the CDP is a substantial amendment.

(C) A description of the proposed amendment, explaining all changes to the CDP that result from the proposed amendment.

(D) A comparison of the original CDP text, with the text of the proposed changes to the CDP, and the revised pages of the CDP for replacement in the CDP binder. The revised pages must have the revision date noted, with the page number on all affected pages. The table of contents may also need to be revised to reflect any changes in pagination.

(E) Identification of any NMFS findings that would need to be modified if the amendment is approved, along with the proposed modified text.

(F) A description of how the proposed amendment meets the requirements of this subpart. Only those CDQ regulations that are affected by the proposed amendment need to be discussed.

(5) *Technical amendments.* Any change to a CDP that is not considered a substantial amendment under paragraph (g)(4)(iv) of this section is a technical amendment.

(i) The CDQ group must notify the State in writing of any technical

amendment. Such notification must include a copy of the pages of the CDP that would be revised by the amendment, with the text highlighted to show the proposed deletions and additions, and a copy of the CDP pages as they would be revised by the proposed amendment for insertion into the CDP binder. All revised CDP pages must include the revision date, amendment identification number, and CDP page number. The table of contents may also need to be revised to reflect any changes in pagination.

(ii) The State must forward the technical amendment to NMFS with its recommendations for approval or disapproval of the amendment. A technical amendment is approved by NMFS and is effective when, after review, NMFS notifies the State in writing of the technical amendment's receipt and approval.

(h) *Suspension or termination of a CDP.* An annual progress report, required under paragraph (g)(1) of this section, will be used by the State to review each CDP to determine whether the CDP, CDQ, and PSQ allocations thereunder should be continued, decreased, partially suspended, suspended, or terminated under the following circumstances:

(1) If the State determines that the CDP will successfully meet its goals and objectives, the CDP may continue without any Secretarial action.

(2) If the State recommends to NMFS that an allocation be decreased, the State's recommendation for decrease will be deemed approved if NMFS does not notify the State in writing within 30 days of receipt of the State's recommendation.

(3) If the State determines that a CDP has not successfully met its goals and objectives or appears unlikely to become successful, the State may submit a recommendation to NMFS that the CDP be partially suspended, suspended, or terminated. The State must set out, in writing, the reasons for recommending suspension or termination of the CDP.

(4) After review of the State's recommendation and reasons thereof, NMFS will notify the Governor, in writing, of approval or disapproval of the recommendation within 30 days of

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its receipt. In the case of suspension or termination, NMFS will publish notification in the FEDERAL REGISTER, with reasons thereof.

[63 FR 30403, June 4, 1998, as amended at 64 FR 3882, Jan. 26, 1999; 64 FR 20214, Apr. 26, 1999; 65 FR 45318, July 21, 2000]

EFFECTIVE DATE NOTE: At 63 FR 30403, June 4, 1998, § 679.30 was revised. Section 679.30(a)(5)(i)(A)(2) contains information collection and recordkeeping requirements and will not become effective until approval has been given by the Office of Management and Budget.

§ 679.31 CDQ reserves.

Portions of the CDQ and PSQ reserves for each subarea or district may be allocated for the exclusive use of CDQ applicants in accordance with CDPs approved by the Governor in consultation with the Council and approved by NMFS. NMFS will allocate no more than 33 percent of the total CDQ for all subareas and districts combined to any one applicant with an approved CDP application.

(a) *Pollock CDQ reserve.* In the proposed and final harvest specifications required by § 679.20(c), one-half of the pollock TAC placed in the reserve for each subarea or district of the BSAI will be apportioned to a CDQ reserve for each subarea or district.

(b) *Halibut CDQ reserve.* (1) NMFS will annually withhold from IFQ allocation the proportions of the halibut catch limit that are specified in paragraph (b) of this section for use as a CDQ reserve.

(2) Portions of the CDQ for each specified IPHC regulatory area may be allocated for the exclusive use of an eligible Western Alaska community or group of communities in accordance with a CDP approved by the Governor in consultation with the Council and approved by NMFS.

(3) The proportions of the halibut catch limit annually withheld for the halibut CDQ program, exclusive of issued QS, and the eligible communities for which they shall be made available are as follows for each IPHC regulatory area (see Figure 15 to this part):

(i) *Area 4B.* In IPHC regulatory area 4B, 20 percent of the annual halibut quota shall be made available to eligi-

ble communities physically located in, or proximate to, this regulatory area.

(ii) *Area 4C.* In IPHC regulatory area 4C, 50 percent of the halibut quota shall be made available to eligible communities physically located in IPHC regulatory area 4C.

(iii) *Area 4D.* In IPHC regulatory area 4D, 30 percent of the annual halibut quota shall be made available to eligible communities located in, or proximate to, IPHC regulatory areas 4D and 4E.

(iv) *Area 4E.* In IPHC regulatory area 4E, 100 percent of the halibut quota shall be made available to eligible communities located in, or proximate to, IPHC regulatory area 4E. A fishing trip limit of 6,000 lb (2.7 mt) applies to halibut CDQ harvesting in IPHC regulatory area 4E.

(4) For the purposes of this section, “proximate to” an IPHC regulatory area means within 10 nm from the point where the boundary of the IPHC regulatory area intersects land.

(c) *Groundfish CDQ reserves.* (See § 679.20(b)(1)(iii))

(d) *Crab CDQ reserves.* King and Tanner crab species in the Bering Sea and Aleutian Islands Area that have a guideline harvest level specified by the State of Alaska that is available for commercial harvest are apportioned to a crab CDQ reserve as follows:

(1) For calendar year 2000, and thereafter, 7.5 percent; and

(2) For calendar year 1999 (applicable through December 31, 1999), 5 percent.

(e) *PSQ reserve.* (See § 679.21(e)(1)(i) and (e)(2)(ii)).

(f) *Non-specific CDQ reserve.* Annually, NMFS will apportion 15 percent of each squid, arrowtooth flounder, and “other species” CDQ for each CDQ group to a non-specific CDQ reserve. A CDQ group’s non-specific CDQ reserve must be for the exclusive use of that CDQ group. A release from the non-specific CDQ reserve to the CDQ group’s squid, arrowtooth flounder, or “other species” CDQ is a technical amendment as described in § 679.30(g)(5). The technical amendment must be approved before harvests relying on CDQ transferred

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from the non-specific CDQ reserve may be conducted.

[63 FR 8361, Feb. 19, 1998, as amended at 63 FR 30407, June 4, 1998; 64 FR 3882, Jan. 26, 1999; 64 FR 20214, Apr. 26, 1999; 64 FR 61982, Nov. 15, 1999]

§ 679.32 Groundfish and halibut CDQ catch monitoring.

(a) *Applicability.* (1) The CDQ group, the operator of a vessel groundfish CDQ fishing as defined at § 679.2, the operator of a catcher/processor halibut CDQ fishing as defined at § 679.2, the operator of a catcher vessel equal to or greater than 60 ft (18.3 m) LOA halibut CDQ fishing, the operator of a mothership taking deliveries from these vessels, and the manager of a shoreside processor taking deliveries from these vessels must comply with the requirements of paragraphs (b) through (d) of this section for all groundfish CDQ and PSQ. For the catch of halibut CDQ or for vessels halibut CDQ fishing, the CDQ group, the operator of the vessel, the shoreside processor, and the registered buyer must comply with the requirements of paragraph (f) of this section. In addition, the CDQ group is responsible for ensuring that vessels and processors listed as eligible on the CDQ group's approved CDP comply with all requirements of this section while harvesting or processing CDQ species.

(2) *Pollock CDQ (applicable through July 20, 1999).* Requirements for the accounting of pollock while CDQ fishing are at paragraph (e) of this section.

(b) *PSQ catch.* Time and area closures required once a CDQ group has reached its salmon PSQ or crab PSQ are listed in § 679.7(d)(7) through (10). The catch of salmon or crab by vessels using other than trawl gear does not accrue to the PSQ for these species. The discard of halibut by vessels using pot or jig gear will not accrue to the halibut PSQ if this bycatch has been exempted from the halibut PSC limit under § 679.21(e)(5) in the annual specifications published in the FEDERAL REGISTER.

(c) *Requirements for vessels and processors.* In addition to complying with the minimum observer coverage requirements at § 679.50(c)(4), operators of vessels groundfish CDQ fishing and

managers of shoreside processors taking deliveries from vessels groundfish CDQ fishing must comply with the following requirements:

(1) *Catcher vessels without an observer.*

(i) Operators of catcher vessels less than 60 ft (18.3 m) LOA must retain all groundfish CDQ, halibut CDQ, and salmon PSQ until it is delivered to a processor that meets the requirements of paragraph (c)(3) or (c)(4) of this section. All halibut PSQ and crab PSQ must be discarded at sea. Operators of catcher vessels using trawl gear must report the at-sea discards of halibut PSQ or crab PSQ on the CDQ delivery report (see § 679.5(n)(1)). Operators of catcher vessels using nontrawl gear must report the at-sea discards of halibut PSQ on the CDQ delivery report, unless exempted from accounting for halibut PSQ under paragraph (b) of this section.

(ii) *Catcher vessels delivering unsorted codends.* Operators of catcher vessels delivering unsorted codends to motherships must retain all CDQ and PSQ species and deliver them to a mothership that meets the requirements of paragraph (c)(4) of this section.

(2) *Catcher vessels with observers.* Operators of catcher vessels equal to or greater than 60 ft (18.29 m) LOA must comply with the following requirements:

(i) *If using trawl gear, the vessel operator must:*

(A) Retain all CDQ species and salmon PSQ until they are delivered to a processor that meets the requirements of paragraph (c)(3) or (c)(4) of this section;

(B) Retain all halibut and crab PSQ in a bin or other location until it is counted and sampled by a CDQ observer; and

(C) Provide space on the deck of the vessel for the CDQ observer to sort and store catch samples and a place from which to hang the observer sampling scale.

(ii) *If using nontrawl gear, the vessel operator must either:*

(A) *Option 1: Retain all CDQ species.* Retain all CDQ species until they are delivered to a processor that meets the requirements of paragraph (c)(3) or (c)(4) of this section and have all of the

halibut PSQ counted by the CDQ observer and sampled for length or average weight; or

(B) *Option 2: Discard some CDQ species at sea.* May discard some CDQ species at sea if the following requirements are met:

(1) *Observer sampling station.* The vessel owner provides an observer sampling station that complies with §679.28(d) so that the CDQ observer can accurately determine the average weight of discarded CDQ species. A valid observer sampling station inspection report described at §679.28(d)(8) must be on board the vessel at all times when a sampling station is required; and

(2) *Species composition.* Each CDQ set on vessels using hook-and-line gear is sampled for species composition by a CDQ observer.

(3) *Shoreside processors and vessels of the United States operating solely as a mothership in Alaska State waters.* The manager of a shoreside processor or the operator of a vessel of the United States operating solely as a mothership in Alaska State waters must comply with all of the following requirements:

(i) *Prior notice to observer of offloading schedule.* Notify the CDQ observer of the offloading schedule of each CDQ delivery at least 1 hour prior to offloading to provide the CDQ observer an opportunity to monitor the sorting and weighing of the entire delivery.

(ii) *CDQ and PSQ by weight.* Sort and weigh on a scale approved by the State of Alaska under §679.28(c) all groundfish and halibut CDQ or PSQ by species or species group.

(iii) *PSQ by number.* Sort and count all salmon and crab PSQ.

(iv) *CDQ and PSQ sorting and weighing.* Sorting and weighing of CDQ and PSQ must be monitored by a CDQ observer.

(v) *CDQ delivery report.* Submit a CDQ delivery report described at §679.5(n)(1) for each delivery of groundfish CDQ.

(4) *Catcher/processors and motherships.* The operator of a catcher/processor or a mothership taking deliveries of unsorted codends from catcher vessels must comply with the following requirements:

(i) *Prior notice to observer of CDQ catch.* Notify the CDQ observer(s) before CDQ catch is brought onboard the vessel and notify the CDQ observer(s) of the CDQ group and CDQ number associated with the CDQ catch.

(ii) *Observer sampling station.* Provide an observer sampling station as described at §679.28(d). A valid observer sampling station inspection report described at §679.28(d)(8) must be on board the vessel at all times when a sampling station is required.

(iii) Obtain the data entry software provided by the Regional Administrator ("ATLAS software") for use by the observer and ensure that observer data can be transmitted from the vessel to NMFS at any time while the vessel is receiving, catching or processing CDQ species.

(iv) *Catcher/processors using trawl gear and motherships.* The operator of a catcher/processor using trawl gear or of a mothership taking deliveries of unsorted codends from catcher vessels must weigh all catch on a scale that complies with the requirements of §679.28(b). A valid scale inspection report described at §679.28(b)(2) must be on board the vessel at all times when a scale is required. Catch from each CDQ haul must be weighed separately. Catch must not be sorted before it is weighed, unless a provision for doing so is approved by NMFS for the vessel in the CDP. Each CDQ haul must be sampled by a CDQ observer for species composition and the vessel operator must allow CDQ observers to use any scale approved by NMFS to weigh partial CDQ haul samples.

(v) *Catcher/processors using nontrawl gear.* Each CDQ set on a vessel using hook-and-line gear must be sampled by a CDQ observer for species composition and average weight.

(d) *Recordkeeping and reporting—*(1) *Catch record.* The manager of a shoreside processor or the operator of a vessel of the U.S. operating solely as a mothership in Alaska state waters must submit to NMFS the CDQ delivery report required in §679.5(n)(1). The CDQ representative must submit to NMFS the CDQ catch report required in §679.5(n)(2). Additionally, all other applicable requirements in §679.5 for groundfish fishing must be met.

(2) *Verification of CDQ and PSQ catch reports.* CDQ groups may specify the sources of data listed below as the sources they will use to determine CDQ and PSQ catch on the CDQ catch report by specifying "NMFS standard sources of data" in their CDP. In the case of a catcher vessel using nontrawl gear, the CDP must specify whether the vessel will be retaining all groundfish CDQ (Option 1) or discarding some groundfish CDQ species at sea (Option 2). CDQ species may be discarded at sea by these vessels only if the requirements of paragraph (c)(2)(ii)(B) of this section are met. NMFS will use the following sources to verify the CDQ catch reports, unless an alternative catch estimation procedure in the CDP is approved by NMFS under § 679.30(a)(5)(ii).

(i) *Catcher vessels less than 60 ft (18.29 m) LOA.* The weight or numbers of all CDQ and PSQ species will be the same as the information on the CDQ delivery report if all CDQ species and salmon PSQ are retained on board the vessel, delivered to a shoreside processor listed as eligible in the CDP, and sorted and weighed in compliance with paragraph (c)(3) of this section.

(ii) *Catcher vessels delivering unsorted codends.* The weight and numbers of CDQ and PSQ species will be determined by applying the species composition sampling data collected for each CDQ haul by the CDQ observer on the mothership to the total weight of each CDQ haul as determined by weighing all catch from each CDQ haul on a scale approved under § 679.28(b).

(iii) *Observed catcher vessels using trawl gear.* The weight of halibut and numbers of crab PSQ discarded at sea will be determined by using the CDQ observer's sample data. The weight or numbers of all groundfish CDQ and salmon PSQ will be the same as the information submitted on the CDQ delivery report if all CDQ species and salmon PSQ are retained on board the vessel until delivered to a processor listed as eligible in the CDP, and sorted and weighed in compliance with paragraph (c)(3) of this section.

(iv) *Observed catcher vessels using nontrawl gear—(A) Option 1.* The weight of halibut PSQ discarded at sea will be determined by using the CDQ observer's sample data. The weight of all

groundfish CDQ will be the same as the information submitted on the CDQ delivery report if all CDQ species are retained on board the vessel until delivered to a processor, and sorted and weighed in compliance with paragraph (c)(3) of this section (Option 1); or

(B) *Option 2.* The weight of halibut PSQ and all groundfish CDQ species will be determined by applying the CDQ observer's species composition sampling data to the estimate of total catch weight if any CDQ species are discarded at sea.

(v) *Catcher/processors using trawl gear.* The weight and numbers of CDQ and PSQ species will be determined by applying the CDQ observer's species composition sampling data for each CDQ haul to the total weight of the CDQ haul as determined by weighing all catch from each CDQ haul on a scale certified under § 679.28(b).

(vi) *Catcher/processors using nontrawl gear.* The weight of halibut PSQ and all groundfish CDQ species will be determined by applying the CDQ observer's species composition sampling data to the estimate of total catch weight, if any CDQ species are discarded at sea.

(e) [Reserved]

(f) *Halibut CDQ—(1) Applicability.* The CDQ group, the operator of the vessel, the manager of a shoreside processor, and the registered buyer must comply with the requirements of this paragraph (f) for the catch of halibut CDQ or while halibut CDQ fishing.

(2) *Accounting for halibut CDQ catch—*

(i) *Halibut CDQ permit.* The CDQ group must obtain a halibut CDQ permit issued by the Regional Administrator. The vessel operator must have a copy of the halibut CDQ permit on any fishing vessel operated by, or for, a CDQ group that will have halibut CDQ on-board and must make the permit available for inspection by an authorized officer. The halibut CDQ permit is non-transferable and is issued annually until revoked, suspended, or modified.

(ii) *Halibut CDQ card.* An individual must have onboard the vessel a valid halibut CDQ card issued by the Regional Administrator before landing any halibut CDQ. Each halibut CDQ card will identify a CDQ permit number and the individual authorized by

the CDQ group to land halibut for debit against the CDQ group's halibut CDQ.

(iii) *Alteration.* No person may alter, erase, mutilate, or forge a halibut CDQ permit, landing card, registered buyer permit, or any valid and current permit or document issued under this part. Any such permit, card, or document that has been intentionally altered, erased, mutilated, or forged is invalid.

(iv) *Landings.* A person may land halibut CDQ only if he or she has a valid halibut CDQ card, and that person may deliver halibut CDQ only to a person with a valid registered buyer permit. The person holding the halibut CDQ card and the registered buyer must comply with the requirements of § 679.5(l)(1) and (l)(2).

(v) The CDQ group, vessel owner or operator, and registered buyer must comply with all of the IFQ prohibitions at § 679.7(f).

(3) *Accounting for catch of groundfish CDQ while halibut CDQ fishing.* The manager of a shoreside processor must report on a CDQ delivery report described at § 679.5(n)(1), all groundfish CDQ delivered by vessels equal to or greater than 60 ft (18.3 m) LOA while halibut CDQ fishing and all sablefish CDQ delivered by vessels of any size while halibut CDQ fishing. The CDQ group must report on a CDQ catch report described at § 679.5(n)(2), all groundfish CDQ caught by vessels equal to or greater than 60 ft (18.3 m) LOA while halibut CDQ fishing and all sablefish CDQ retained by vessels of any size while halibut CDQ fishing. This groundfish CDQ will accrue to the CDQ group's groundfish CDQ allocations. The manager of a shoreside processor and the CDQ group are not required to report on the CDQ delivery report, groundfish, except sablefish CDQ, that is caught by vessels less than 60 ft (18.3 m) LOA while halibut CDQ fishing, and this catch (except sablefish CDQ) will not accrue against the CDQ group's groundfish CDQ allocations.

(4) *Groundfish CDQ retention requirements.* Operators of vessels less than 60 ft (18.3 m) LOA are not required to retain and deliver groundfish CDQ species while halibut CDQ fishing, unless required to do so elsewhere in this

part. Operators of vessels equal to or greater than 60 ft (18.3 m) LOA are required to comply with all groundfish CDQ and PSQ catch accounting requirements in paragraphs (b) through (d) of this section, including the retention of all groundfish CDQ, if option 1 under § 679.32(c)(2)(ii) is selected in the CDP.

(5) *Observer coverage requirements.* The owner or operator of a vessel equal to or greater than 60 ft (18.3 m) LOA halibut CDQ fishing as defined at § 679.2 or shoreside processors taking deliveries from vessels equal to or greater than 60 ft (18.3 m) LOA that are halibut CDQ fishing must comply with observer coverage requirements at § 679.50(c)(4) and (d)(4).

[63 FR 30407, June 4, 1998, as amended at 64 FR 3882, Jan. 26, 1999; 64 FR 20214, Apr. 26, 1999; 64 FR 61982, Nov. 15, 1999; 65 FR 33783, May 25, 2000]

EFFECTIVE DATE NOTE: At 63 FR 30407, June 4, 1998, § 679.32 was revised. Paragraph 679.32(c)(4)(i) contains information collection and recordkeeping requirements and will not become effective until approval has been given by the Office of Management and Budget.

Subpart D—Individual Fishing Quota Management Measures

§ 679.40 Sablefish and halibut QS.

The Regional Administrator shall annually divide the TAC of halibut and sablefish that is apportioned to the fixed gear fishery pursuant to the annual management measures published in the FEDERAL REGISTER pursuant to § 300.62 of chapter III of this title and § 679.20, minus the CDQ reserve, among qualified halibut and sablefish quota share holders, respectively.

(a) *Initial allocation of QS—(1) General.* The Regional Administrator shall initially assign to qualified persons, on or after October 18, 1994, halibut and sablefish fixed gear fishery QS that are specific to IFQ regulatory areas and vessel categories. QS will be assigned as a block in the appropriate IFQ regulatory area and vessel category, if that QS would have resulted in an allocation of less than 20,000 lb (9 mt) of IFQ for halibut or sablefish based on the 1994 TAC for fixed gear in those fisheries for specific IFQ regulatory areas

the CDQ group to land halibut for debit against the CDQ group's halibut CDQ.

(iii) *Alteration.* No person may alter, erase, mutilate, or forge a halibut CDQ permit, landing card, registered buyer permit, or any valid and current permit or document issued under this part. Any such permit, card, or document that has been intentionally altered, erased, mutilated, or forged is invalid.

(iv) *Landings.* A person may land halibut CDQ only if he or she has a valid halibut CDQ card, and that person may deliver halibut CDQ only to a person with a valid registered buyer permit. The person holding the halibut CDQ card and the registered buyer must comply with the requirements of § 679.5(l)(1) and (l)(2).

(v) The CDQ group, vessel owner or operator, and registered buyer must comply with all of the IFQ prohibitions at § 679.7(f).

(3) *Accounting for catch of groundfish CDQ while halibut CDQ fishing.* The manager of a shoreside processor must report on a CDQ delivery report described at § 679.5(n)(1), all groundfish CDQ delivered by vessels equal to or greater than 60 ft (18.3 m) LOA while halibut CDQ fishing and all sablefish CDQ delivered by vessels of any size while halibut CDQ fishing. The CDQ group must report on a CDQ catch report described at § 679.5(n)(2), all groundfish CDQ caught by vessels equal to or greater than 60 ft (18.3 m) LOA while halibut CDQ fishing and all sablefish CDQ retained by vessels of any size while halibut CDQ fishing. This groundfish CDQ will accrue to the CDQ group's groundfish CDQ allocations. The manager of a shoreside processor and the CDQ group are not required to report on the CDQ delivery report, groundfish, except sablefish CDQ, that is caught by vessels less than 60 ft (18.3 m) LOA while halibut CDQ fishing, and this catch (except sablefish CDQ) will not accrue against the CDQ group's groundfish CDQ allocations.

(4) *Groundfish CDQ retention requirements.* Operators of vessels less than 60 ft (18.3 m) LOA are not required to retain and deliver groundfish CDQ species while halibut CDQ fishing, unless required to do so elsewhere in this

part. Operators of vessels equal to or greater than 60 ft (18.3 m) LOA are required to comply with all groundfish CDQ and PSQ catch accounting requirements in paragraphs (b) through (d) of this section, including the retention of all groundfish CDQ, if option 1 under § 679.32(c)(2)(ii) is selected in the CDP.

(5) *Observer coverage requirements.* The owner or operator of a vessel equal to or greater than 60 ft (18.3 m) LOA halibut CDQ fishing as defined at § 679.2 or shoreside processors taking deliveries from vessels equal to or greater than 60 ft (18.3 m) LOA that are halibut CDQ fishing must comply with observer coverage requirements at § 679.50(c)(4) and (d)(4).

[63 FR 30407, June 4, 1998, as amended at 64 FR 3882, Jan. 26, 1999; 64 FR 20214, Apr. 26, 1999; 64 FR 61982, Nov. 15, 1999; 65 FR 33783, May 25, 2000]

EFFECTIVE DATE NOTE: At 63 FR 30407, June 4, 1998, § 679.32 was revised. Paragraph 679.32(c)(4)(i) contains information collection and recordkeeping requirements and will not become effective until approval has been given by the Office of Management and Budget.

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(a) *Initial allocation of QS—(1) General.* The Regional Administrator shall initially assign to qualified persons, on or after October 18, 1994, halibut and sablefish fixed gear fishery QS that are specific to IFQ regulatory areas and vessel categories. QS will be assigned as a block in the appropriate IFQ regulatory area and vessel category, if that QS would have resulted in an allocation of less than 20,000 lb (9 mt) of IFQ for halibut or sablefish based on the 1994 TAC for fixed gear in those fisheries for specific IFQ regulatory areas

and the QS pools of those fisheries for specific IFQ regulatory areas as of October 17, 1994.

(2) *Qualified person.* (i) As used in this section, a “qualified person” means a “person,” as defined in § 679.2:

(A) That owned a vessel that made legal landings of halibut or sablefish, harvested with fixed gear, from any IFQ regulatory area in any QS qualifying year; or

(B) That leased a vessel that made legal landings of halibut or sablefish, harvested with fixed gear, from any IFQ regulatory area in any QS qualifying year. A person who owns a vessel cannot be a qualified person based on the legal fixed gear landings of halibut or sablefish made by a person who leased the vessel for the duration of the lease.

(ii) Qualified persons, or their successors-in-interest, must exist at the time of their application for QS.

(iii) A former partner of a dissolved partnership or a former shareholder of a dissolved corporation who would otherwise qualify as a person may apply for QS in proportion to his or her interest in the dissolved partnership or corporation.

(iv) Sablefish harvested within Prince William Sound, or under a State of Alaska limited entry program, will not be considered in determining whether a person is a qualified person.

(3) *Qualification for QS—*(i) *Year.* A QS qualifying year is 1988, 1989, or 1990.

(ii) *Vessel ownership.* Evidence of vessel ownership shall be limited to the following documents, in order of priority:

(A) For vessels required to be documented under the laws of the United States, the USCG abstract of title issued in respect of that vessel.

(B) A certificate of registration that is determinative as to vessel ownership.

(C) A bill of sale.

(iii) *Vessel lease.* Conclusive evidence of a vessel lease will include a written vessel lease agreement or a notarized statement from the vessel owner and lease holder attesting to the existence of a vessel lease agreement at any time during the QS qualifying years. Conclusive evidence of a vessel lease must identify the leased vessel and indicate

the name of the lease holder and the period of time during which the lease was in effect. Other evidence, which may not be conclusive, but may tend to support a vessel lease, may also be submitted.

(iv) *Ownership interest.* Evidence of ownership interest in a dissolved partnership or corporation shall be limited to corporate documents (e.g., articles of incorporation) or notarized statements signed by each former partner, shareholder or director, and specifying their proportions of interest.

(v) *Legal landing of halibut or sablefish—*(A) *Definition.* As used in this section, a “legal landing of halibut or sablefish” means halibut or sablefish harvested with fixed gear and landed in compliance with state and Federal regulations in effect at the time of the landing.

(B) *Documentation.* Evidence of legal landings shall be limited to documentation of state or Federal catch reports that indicate the amount of halibut or sablefish harvested, the IPHC regulatory area or groundfish reporting area in which it was caught, the vessel and gear type used to catch it, and the date of harvesting, landing, or reporting. State catch reports are Alaska, Washington, Oregon, or California fish tickets. Federal catch reports are WPRs required under § 679.5. Sablefish harvested within Prince William Sound or under a State of Alaska limited entry program will not be considered in determining qualification to receive QS, nor in calculating initial QS.

(4) *Calculation of initial QS—*(i) *Halibut QS.* The Regional Administrator shall calculate the halibut QS for any qualified person in each IFQ regulatory area based on that person’s highest total legal landings of halibut in each IPHC regulatory area for any 5 years of the 7-year halibut QS base period 1984 through 1990. The sum of all halibut QS for an IFQ regulatory area will be the halibut QS pool for that area.

(ii) *Sablefish QS.* The Regional Administrator shall calculate the sablefish QS for any qualified person in each IFQ regulatory area based on that person’s highest total legal landings of sablefish in each groundfish reporting area for any 5 years of the 6-year sablefish QS base period 1985 through 1990.

The sum of all sablefish QS for an IFQ regulatory area will be the sablefish QS pool for that area.

(iii) *CDQ program*. Each initial QS calculation will be modified to accommodate the CDQ program prescribed at subpart C of this part.

(5) *Assignment of QS to vessel categories*—(i) *LOA*. Each qualified person's QS will be assigned to a vessel category based on the LOA of vessel(s) from which that person made fixed gear legal landings of groundfish or halibut in the most recent year of participation and the product type landed. As used in this paragraph (a)(5), "the most recent year of participation" means the most recent of 4 calendar years in which any groundfish or halibut were harvested using fixed gear, as follows: 1988, 1989, or 1990; or calendar year 1991 prior to September 26, 1991.

(ii) *Vessel categories*. QS and its associated IFQ assigned to vessel categories include:

(A) Category A QS and associated IFQ, which authorizes an IFQ cardholder to harvest and process IFQ species on a vessel of any length;

(B) Category B QS and associated IFQ, which authorizes an IFQ cardholder to harvest IFQ species on a vessel of any length, except as provided in § 679.42(a);

(C) Category C QS and associated IFQ, which authorizes an IFQ cardholder to harvest IFQ species on a vessel less than or equal to 60 ft (18.3 m) LOA;

(D) Category D QS and associated IFQ, which authorizes an IFQ cardholder to harvest IFQ halibut on a vessel less than or equal to 35 ft (10.7 m) LOA;

(iii) *QS assignment*. A qualified person's QS will be assigned:

(A) To vessel category A if, at any time during his/her most recent year of participation, that person's vessel processed any groundfish or halibut caught with fixed gear.

(B) To vessel category B if, at any time during his/her most recent year of participation, that person's vessel was greater than 60 ft (18.3 m) LOA and did not process any groundfish or halibut caught with fixed gear.

(C) To each applicable vessel category in proportion to the landings of

halibut or sablefish made by that person if, at any time during their most recent year of participation, that person used more than one vessel in different categories.

(iv) *Sablefish QS*. A qualified person's sablefish QS will be assigned:

(A) To vessel category C if, at any time during his/her most recent year of participation, that person's vessel was less than or equal to 60 ft (18.3 m) LOA and did not process any groundfish or halibut caught with fixed gear.

(B) To the vessel category in which halibut and groundfish were landed, or vessel categories in proportion to the total fixed gear landings of halibut and groundfish, if, at any time during the most recent year of participation, that person's vessel(s) makes no landing(s) of sablefish.

(v) *Halibut QS*. A qualified person's halibut QS will be assigned:

(A) To vessel category C if, at any time during his/her most recent year of participation, that person's vessel was less than or equal to 60 ft (18.3 m), but greater than 35 ft (10.7 m), LOA and did not process any groundfish or halibut caught with fixed gear.

(B) To vessel category D if, at any time during his/her most recent year of participation, that person's vessel was less than or equal to 35 ft (10.7 m) LOA and did not process any groundfish or halibut caught with fixed gear.

(C) To the vessel category in which groundfish were landed, or vessel categories in proportion to the total fixed gear landings of groundfish, if, at any time during the most recent year of participation, that person's vessel(s) makes no landing(s) of halibut.

(vi) *Both species QS*. A qualified person's QS for both species will be assigned to the vessel category in which groundfish were landed in the most recent year of participation if, at any time during that year, that person landed halibut in one vessel category and sablefish in a different vessel category.

(6) *Application for initial QS*—(i) *Application form*. Upon request, the Regional Administrator shall make available to any person an application form for an initial allocation of QS. The application form sent to the person requesting a QS allocation will include all data on

that person's vessel ownership and catch history of halibut and sablefish that can be released to the applicant under current state and Federal confidentiality rules, and that are available to the Regional Administrator at the time of the request.

(ii) *Application period.* An application period of no less than 180 days will be specified by notification in the FEDERAL REGISTER and other information sources that the Regional Administrator deems appropriate.

(iii) *Complete application.* Complete applications received by the Regional Administrator will be acknowledged. An incomplete application will be returned to the applicant with specific kinds of information identified that are necessary to make it complete.

(7) *Insufficient documentation.* Halibut and sablefish catch history, vessel ownership or lease data, and other information supplied by an applicant will be compared with data compiled by the Regional Administrator. If additional data presented in an application are not consistent with the data compiled by the Regional Administrator, the applicant will be notified of insufficient documentation. The applicant will have 90 days to submit corroborating documents (as specified in paragraph (a) of this section) in support of his/her application or to resubmit a revised application. All applicants will be limited to one opportunity to provide corroborating documentation or a revised application in response to notification of insufficient documentation.

(8) *Verified data.* Uncontested data in applications will be approved by the Regional Administrator. Based on these data, the Regional Administrator will calculate each applicant's initial halibut and sablefish QS, as provided in paragraph (b) of this section, for each IFQ regulatory area, respectively, and will add each applicant's halibut and sablefish QS for an IFQ regulatory area to the respective QS pool for that area.

(9) *Unverified data.* Catch history, vessel ownership, or lease data that cannot be verified by the Regional Administrator, following the procedure described in paragraph (a)(7) of this section, will not qualify for QS. An initial determination denying QS on the grounds that claimed catch history,

vessel ownership or lease data were not verified may be appealed following the procedure described in § 679.43. Quota share reflecting catch history, vessel ownership, or lease data that are contested between two or more applicants, at least one of which is likely to qualify for QS when the dispute is resolved, will be assigned to a reserve that will be considered part of the QS pool for the appropriate IFQ regulatory area. Any QS and IFQ that results from agency action resolving the dispute will be assigned to the prevailing applicant(s) pursuant to paragraphs (a)(4), (a)(5), (b), and (c) of this section. If the assigned IFQ for the 1995 fishing season becomes moot by passage of time needed to resolve the dispute, the assignment of QS and IFQ for subsequent fishing seasons will be unaffected.

(b) *Annual allocation of IFQ.* The Regional Administrator shall assign halibut or sablefish IFQs to each person holding unrestricted QS for halibut or sablefish, respectively, up to the limits prescribed in § 679.42 (e) and (f). Each assigned IFQ will be specific to an IFQ regulatory area and vessel category, and will represent the maximum amount of halibut or sablefish that may be harvested from the specified IFQ regulatory area and by the person to whom it is assigned during the specified fishing year, unless the IFQ assignment is changed by the Regional Administrator within the fishing year because of an approved transfer or because all or part of the IFQ is sanctioned for violating rules of this part.

(c) *Calculation of annual IFQ allocation—(1) General.* The annual allocation of IFQ to any person (person p) in any IFQ regulatory area (area a) will be equal to the product of the TAC of halibut or sablefish by fixed gear for that area (after adjustment for purposes of the Western Alaska CDQ Program) and that person's QS divided by the QS pool for that area. Overages will be subtracted from a person's IFQ pursuant to paragraph (d) of this section. Expressed algebraically, the annual IFQ allocation formula is as follows:

$$IFQ_{pa} = [(fixed\ gear\ TAC_a - CDQ\ reserve_a) \times (QS_{pa}/QS\ pool_a)] - overage\ of\ IFQ_{pa}.$$

(2) *QS amounts.* For purposes of calculating IFQs for any fishing year, the

amount of a person's QS and the amount of the QS pool for any IFQ regulatory area will be the amounts on record with the Alaska Region, NMFS, as of 1200 hours, A.L.T., on January 31 of that year.

(3) *IFQ permit.* The Regional Administrator shall issue to each QS holder, pursuant to § 679.4, an IFQ permit accompanied by a statement specifying the maximum amount of halibut and sablefish that may be harvested with fixed gear in a specified IFQ regulatory area and vessel category as of January 31 of that year. Such IFQ permits will be mailed to each QS holder at the address on record for that person after the beginning of each fishing year but prior to the start of the annual IFQ fishing season.

(d) *Ten-percent adjustment policy.* A person's annual IFQ account will be adjusted in the year following a determination that the person harvested or landed IFQ species in an amount is greater than the amount available in the person's annual IFQ account and if the amount greater than the amount available does not exceed 10 percent of the amount available in the person's annual IFQ account at the time of landing. The adjustment would be a deduction of the amount of IFQ species harvested or landed that was determined to exceed the amount available in the person's annual IFQ account and will apply to any person to whom the affected IFQ is allocated in the year following the determination.

(e) *Underages.* Underages of up to 10 percent of a person's total annual IFQ account for a current fishing year will be added to that person's annual IFQ account in the year following determination of the underage. This underage adjustment to the annual IFQ allocation will be specific to IFQ species, IFQ regulatory area, and vessel category for which an IFQ is calculated, and will apply to any person to whom the affected IFQ is allocated in the year following determination of an underage.

(f) *Harvesting privilege.* Quota shares allocated or permits issued pursuant to this part do not represent either an absolute right to the resource or any interest that is subject to the "takings" provision of the Fifth Amendment of

the U.S. Constitution. Rather, such quota shares or permits represent only a harvesting privilege that may be revoked or amended subject to the requirements of the Magnuson-Stevens Act and other applicable law.

(g) *Tagged halibut and sablefish.* (1) Nothing contained in this part shall prohibit any person at any time from retaining and landing a Pacific halibut or sablefish that bears at the time of capture a research tag from any state, Federal, or international agency, provided that the halibut or sablefish is:

(i) A Pacific halibut landed pursuant to 50 CFR 300.18; or

(ii) A sablefish landed in accordance with the Tagged Groundfish Research Program.

(2) Tagged halibut or sablefish landed pursuant to paragraphs (1)(i) or (1)(ii) of this section shall not be calculated as part of an individual's IFQ harvest or be debited against an individual's halibut or sablefish IFQ.

[61 FR 31230, June 19, 1996, as amended at 61 FR 35579, July 5, 1996; 61 FR 41525, Aug. 9, 1996; 61 FR 43314, Aug. 22, 1996; 62 FR 59299, Nov. 3, 1997]

§ 679.41 Transfer of quota shares and IFQ.

(a) *General.* (1) Except as provided in paragraph (a)(2) of this section, transfer of QS or IFQ means any transaction requiring QS, or the use thereof in the form of IFQ, to pass from one person to another, permanently or for a fixed period of time.

(2) Transactions requiring IFQ cards to be issued in the name of a vessel master employed by an individual or a corporation are not transfers of QS or IFQ.

(b) *Transfer procedure—*(1) *Application for transfer.* An Application for Transfer of QS/IFQ (Application for Transfer) must be approved by the Regional Administrator before a person may use IFQ to harvest IFQ halibut or IFQ sablefish, whether the IFQ was the result of a direct transfer or the result of a QS transfer. An Application for Transfer will not be approved until the Regional Administrator has reviewed and approved the transfer agreement signed by the parties to the transaction. The Regional Administrator shall provide an Application for Transfer form to

any person on request. Persons who submit an Application for Transfer to the Regional Administrator for approval will receive notification of the Regional Administrator's decision to approve or disapprove the Application for Transfer, and, if applicable, the reason(s) for disapproval, by mail posted on the date of that decision, unless another communication mode is requested on the Application for Transfer.

(2) *QS or IFQ accounts.* QS or IFQ accounts affected by an Application for Transfer approved by the Regional Administrator will change on the date of approval. Any necessary IFQ permits will be sent with the notification of the Regional Administrator's decision.

(c) *Application for Transfer approval criteria.* Except as provided in paragraph (f) of this section, an Application for Transfer will not be approved until the Regional Administrator has determined that:

(1) The person applying for transfer received the QS or IFQ to be transferred:

(i) By initial assignment by the Regional Administrator as provided in § 679.40(a); or

(ii) By approved transfer.

(2) The person applying to receive the QS or IFQ meets the requirements of eligibility in paragraph (d) of this section.

(3) The person applying for transfer and the person applying to receive the QS or IFQ have their notarized signatures on the Application for Transfer.

(4) There are no fines, civil penalties, or other payments due and owing, or outstanding permit sanctions, resulting from Federal fishery violations involving either person.

(5) The person applying to receive the QS or IFQ currently exists.

(6) The transfer would not cause the person applying to receive the QS or IFQ to exceed the use limits in § 679.42 (e) or (f).

(7) The transfer would not violate the provisions of paragraph (g) of this section.

(8)(i) The person applying to make or receive the IFQ or QS transfer has paid all IFQ fees that have become due as a result of an initial administrative determination.

(ii) The person applying to make or receive the IFQ or QS transfer who has not paid all IFQ fees that are due (as provided under § 679.45(a)) has timely appealed the administrative determination that IFQ fees have not been paid in full and has submitted to NMFS an amount sufficient to satisfy any disputed liability pending a final agency action.

(9) Other pertinent information requested on the Application for Transfer has been supplied to the satisfaction of the Regional Administrator.

(d) *Eligibility to receive QS or IFQ by transfer—(1) Application for Eligibility.* All persons applying to receive QS or IFQ must submit an Application for Eligibility to Receive QS/IFQ (Application for Eligibility), containing accurate information, to the Regional Administrator. The Regional Administrator will not approve a transfer of IFQ or QS to a person until the Application for Eligibility for that person is approved by the Regional Administrator. The Regional Administrator shall provide an Application for Eligibility form to any person on request.

(2) *Type of eligibility.* A person must indicate on the Application for Eligibility whether the eligibility sought is as:

(i) An individual; or

(ii) A corporation, partnership, or other entity.

(3) *Application filing order.* A person may submit the Application for Eligibility with the Application for Transfer or file the Application for Eligibility prior to submitting the Application for Transfer. If a person, as described in paragraph (d)(2)(ii) of this section, files the Application for Eligibility prior to submitting the Application for Transfer, and that person's status subsequently changes, as described in § 679.42(j), that person must resubmit an Application for Eligibility before submitting, or with, the Application for Transfer.

(4) *Notification of approval.* Applicants will be notified by mail of the Regional Administrator's approval of an application for eligibility.

(5) *Notification of disapproval.* The Regional Administrator will notify the

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applicant if an Application for Eligibility is disapproved. This notification of disapproval will include:

(i) The disapproved Application for Eligibility.

(ii) An explanation of why the Application for Eligibility was not approved.

(6) *Reasons for disapproval.* Reasons for disapproval of an Application for Eligibility may include, but are not limited to:

(i) Fewer than 150 days of experience working as an IFQ crewmember.

(ii) Lack of compliance with the U.S. citizenship or corporate ownership requirements specified by the definition of "person" at § 679.2.

(iii) An incomplete Application for Eligibility.

(iv) Fines, civil penalties, or other payments due and owing, or outstanding permit sanctions, resulting from Federal fishery violations.

(e) *Transfers of QS blocks*—(1) *General.* A QS block must be transferred as an undivided whole, unless the size of the QS block exceeds the use limits specified at § 679.42. If the QS block to be transferred exceeds the use limits specified at § 679.42, the Regional Administrator will divide the block into two blocks, one block containing the maximum amount of QS allowable under the QS use limits and the other block containing the residual QS.

(2) *Sablefish.* QS blocks for the same IFQ regulatory area and vessel category that represent less than 5,000 lb (2.3 mt) of sablefish IFQ, based on the 1996 TAC share for fixed gear sablefish in a specific IFQ regulatory area and the QS pool for that IFQ regulatory area on January 31, 1996, may be consolidated into larger QS blocks provided that the consolidated blocks do not represent greater than 5,000 lbs (2.3 mt) of sablefish IFQ based on the preceding criteria. A consolidated block cannot be divided and is considered a single block for purposes of use and transferability. The maximum number of QS units that may be consolidated into a single QS block in each IFQ regulatory area is as follows:

(i) Southeast Outside district: 33,270 QS.

(ii) West Yakutat district: 43,390 QS.

(iii) Central Gulf area: 46,055 QS.

(iv) Western Gulf area: 48,410 QS.

(v) Aleutian Islands subarea: 99,210 QS.

(vi) Bering Sea subarea: 91,275 QS.

(3) *Halibut.* QS blocks for the same IFQ regulatory area and vessel category that represent less than 3,000 lbs (1.4 mt) of halibut IFQ, based on the 1996 catch limit for halibut in a specific IFQ regulatory area and the QS pool for that IFQ regulatory area on January 31, 1996, may be consolidated into larger QS blocks provided that the consolidated blocks do not represent greater than 3,000 lbs (1.4 mt) of halibut IFQ based on the preceding criteria. A consolidated block cannot be divided and is considered a single block for purposes of use and transferability. The maximum number of QS units that may be consolidated into a single block in each IFQ regulatory area is as follows:

(i) Area 2C: 19,992 QS.

(ii) Area 3A: 27,912 QS.

(iii) Area 3B: 44,193 QS.

(iv) Subarea 4A: 22,947 QS.

(v) Subarea 4B: 15,087 QS.

(vi) Subarea 4C: 30,930 QS.

(vii) Subarea 4D: 26,082 QS.

(viii) Subarea 4E: 0 QS.

(f) *Transfer of QS or IFQ with restrictions.* If QS or IFQ must be transferred as a result of a court order, operation of law, or as part of a security agreement, but the person receiving the QS or IFQ by transfer does not meet all of the eligibility requirements of this section, the Regional Administrator will approve the Application for Transfer with restrictions. The Regional Administrator will not assign IFQ resulting from the restricted QS to any person. IFQ with restrictions may not be used for harvesting halibut or sablefish with fixed gear. The QS or IFQ will remain restricted until:

(1) The person who received the QS or IFQ with restrictions meets the eligibility requirements of this section and the Regional Administrator approves an Application for Eligibility for that person; or

(2) The Regional Administrator approves the Application for Transfer from the person who received the QS or IFQ with restrictions to a person who meets the requirements of this section.

(g) *Transfer restrictions.* (1) Except as provided in paragraph (f) or paragraph

(g)(2) of this section, only persons who are IFQ crew members or who were initially issued QS assigned to vessel categories B, C, or D, and meet the other requirements in this section, may receive by transfer QS assigned to vessel categories B, C, or D, or the IFQ resulting from it.

(2) Except as provided in paragraph (g)(3) of this section, only persons who are IFQ crew members, and meet the other requirements in this section, may receive by transfer QS assigned to vessel categories B, C, or D, or the IFQ resulting from it, in IFQ regulatory area 2C for halibut or in the IFQ regulatory area east of 140° W. long. for sablefish.

(3) Individuals who were initially issued QS assigned to vessel categories B, C, or D may transfer that QS to a corporation that is solely owned by the same individual. Such transfers of QS assigned to vessel categories B, C, or D in IFQ regulatory area 2C for halibut or in the IFQ regulatory area east of 140° W. long. for sablefish will be governed by the use provisions of § 679.42(i); the use provisions pertaining to corporations at § 679.42(j) shall not apply.

(4) The Regional Administrator will not approve an Application for Transfer of QS assigned to vessel categories B, C, or D subject to a lease or any other condition of repossession or resale by the person transferring QS, except as provided in paragraph (h) of this section, or by court order, operation of law, or as part of a security agreement. The Regional Administrator may request a copy of the sales contract or other terms and conditions of transfer between two persons as supplementary information to the transfer application.

(h) *Transfer of IFQ.* (1) Pursuant to paragraph (a) of this section, an Application for Transfer must be approved by the Regional Administrator before a person may use any IFQ that results from a direct transfer to harvest halibut or sablefish. After approving the Application for Transfer, the Regional Administrator will change any IFQ accounts affected by the approved transfer and issue all necessary IFQ permits.

(2) (Applicable until January 2, 1998). A person may transfer no more than 10

percent of the total IFQ resulting from QS held by that person and assigned to vessel categories B, C, or D for any IFQ species in any IFQ regulatory area to one or more persons for any fishing year.

(i) *Transfer across catcher vessel categories—(1) CDQ compensation.* Persons issued CDQ compensation QS in a catcher vessel category, pursuant to § 679.41(j), and in an IFQ regulatory area in which they do not hold QS other than CDQ compensation QS, may use that CDQ compensation QS on any catcher vessel. This exemption from catcher vessel categories ends upon the first transfer of the CDQ compensation QS. CDQ compensation QS being transferred will be permanently assigned to a specific catcher vessel category as designated by the person receiving the transfer.

(2) *Redesignated catcher vessel category (Applicable until February 24, 1997).* Catcher vessel QS transferred as partial or total consideration for the transfer of CDQ compensation QS may be redesignated into a new catcher vessel category if the CDQ compensation QS being transferred can be used on any catcher vessel pursuant to the exemption in paragraph (i)(1) of this section and the person to which that CDQ compensation QS was issued is party to the transfer.

(3) *CDQ compensation QS definition.* For purposes of this paragraph (i), CDQ compensation QS is QS issued as compensation for halibut and sablefish harvest privileges foregone due to the CDQ Program, as provided in paragraph (j) of this section.

(j) *Compensation for CDQ allocations.*

(1) The Regional Administrator will compensate persons that receive a reduced halibut QS in IPHC regulatory areas 4B, 4C, 4D, or 4E because of the halibut CDQ program by adding halibut QS from IPHC regulatory areas 2C, 3A, 3B, and 4A. This compensation of halibut QS from areas 2C, 3A, 3B, and 4A will be allocated in proportion to the amount of halibut QS foregone due to the CDQ allocation authorized by this section.

(2) The Regional Administrator will compensate persons that receive a reduced sablefish QS in any BSAI IFQ

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regulatory area because of the sablefish CDQ program by taking sablefish QS from the IFQ regulatory areas of the GOA and allocating it in proportion to the loss suffered by persons in the BSAI area. Such additional compensation of sablefish QS will be allocated in proportion to the amount of sablefish QS foregone due to the CDQ allocation authorized by this section.

(3) Persons initially issued QS for IFQ regulatory areas in which a portion of the TAC is allocated to the CDQ Program will be compensated for halibut and sablefish harvest privileges foregone due to the CDQ Program. If a person does not hold QS in an IFQ regulatory area on the date the compensation is issued, that person's compensation will be issued as unblocked. If a person does hold QS in an IFQ regulatory area on the date compensation is issued, that person's compensation will be added to their existing QS in that IFQ regulatory area. The resulting QS amount will be blocked or unblocked according to the criteria found at §679.40(a). Compensation will be calculated for each non-CDQ area using the following formula:

$$Q_N = \frac{(Q_C \times QSP_N \times RATE) / (SUM_{CDQ} - [RATE \times SUM_{TAC}])}{([1 - RATE] \times TAC_{AVE}) (QSP_C \times [CDQ_{PCT} - RATE])}$$

Where:

Q_N = quota share in non-CDQ area

Q_C = quota share in CDQ area

QSP_N = quota share pool in non-CDQ area (as existing on January 31, 1995)

$RATE$ = SUM_{CDQ} /average of the TAC (1988–1994) for all CDQ and non-CDQ areas

TAC_{AVE} = average of the TAC (1988–1994) for CDQ area

QSP_C = quota share pool in CDQ area (as existing on January 31, 1995)

CDQ_{PCT} = CDQ percentage for CDQ area

SUM_{CDQ} = sum $[TAC_{AVE} \times CDQ_{PCT}]$

SUM_{TAC} = sum $[TAC_{AVE}]$

(k) *Transfer to the surviving spouse.* (1) On the death of an individual who holds QS or IFQ, the surviving spouse receives all QS and IFQ held by the decedent by right of survivorship, unless a contrary intent was expressed by the decedent in a will that is probated. The Regional Administrator will approve an Application for Transfer to the surviving spouse when sufficient evidence has been provided to verify the death of the individual.

(2) The Regional Administrator will approve, for 3 calendar years following the date of death of an individual, an Application for Transfer of IFQ from the surviving spouse to a person eligible to receive IFQ under the provisions of this section, notwithstanding the limitations on transfers of IFQ in paragraph (g)(2) of this section.

[61 FR 31230, June 19, 1996, as amended at 61 FR 33385, June 27, 1996; 61 FR 41526, Aug. 9, 1996; 61 FR 67964, Dec. 26, 1996; 63 FR 47368, Sept. 4, 1998; 65 FR 14942, Mar. 20, 2000]

§ 679.42 Limitations on use of QS and IFQ.

(a) *IFQ regulatory area and vessel category.* The QS or IFQ specified for one IFQ regulatory area must not be used in a different IFQ regulatory area. Except as provided in paragraph (k) of this section or in §679.41(i)(1) of this part, the IFQ assigned to one vessel category must not be used to harvest IFQ species on a vessel of a different vessel category. Notwithstanding §679.40(a)(5)(ii) of this part, IFQ assigned to vessel Category B must not be used on any vessel less than or equal to 60 ft (18.3 m) LOA to harvest IFQ halibut in IFQ regulatory area 2C or IFQ sablefish in the IFQ regulatory area east of 140° W. long. unless such IFQ derives from blocked QS units that result in IFQ of less than 5,000 lb (2.3 mt), based on the 1996 TAC for fixed gear specified for the IFQ halibut fishery and the IFQ sablefish fishery in each of these two regulatory areas.

(b) *Gear—(1) IFQ Fisheries.* Halibut IFQ must be used only to harvest halibut with fishing gear authorized in §679.2. Sablefish fixed gear IFQ must not be used to harvest sablefish with trawl gear in any IFQ regulatory area, or with pot gear in any IFQ regulatory area of the GOA.

(2) *Seabird avoidance gear and methods.* The operator of a vessel using gear authorized at §679.2 while fishing for IFQ halibut or hook-and-line gear while fishing for IFQ sablefish must comply with requirements for seabird avoidance gear and methods set forth at §679.24(e).

(c) *Requirements and deductions.* (1) Any individual who harvests halibut or sablefish with fixed gear must:

(i) Have a valid IFQ card.

(ii) Be aboard the vessel at all times during the fishing operation.

(iii) Sign any required fish ticket.

(iv) Sign the IFQ landing report required by §§ 679.5(l)(2)(ii)(C) and (iii)(B).

(2) The scale weight of the halibut or sablefish product actually measured at the time of landing, required by § 679.5(l)(2)(vi) to be included in the IFQ landing report, shall be the only source of information used by NMFS to debit an IFQ account. An IFQ account will be debited as indicated in Table 3 to this part.

(d) *Emergency waiver.* The requirement of paragraph (c) of this section for an individual IFQ card holder to be aboard the vessel during fishing operations and to sign the IFQ landing report may be waived in the event of extreme personal emergency involving the IFQ user during a fishing trip. The waiving of these requirements shall apply only to IFQ halibut or IFQ sablefish retained on the fishing trip during which such emergency occurred.

(e) *Sablefish QS use.* (1) No person, individually or collectively, may use an amount of sablefish QS greater than 1 percent of the combined total sablefish QS for the GOA and BSAI IFQ regulatory areas, unless the amount in excess of 1 percent was received in the initial allocation of QS.

(2) In the IFQ regulatory area east of 140° W. long., no person, individually or collectively, may use more than 1 percent of the total amount of QS for this area, unless the amount in excess of 1 percent was received in the initial allocation of QS.

(f) *Halibut QS use.* Unless the amount in excess of the following limits was received in the initial allocation of halibut QS, no person, individually or collectively, may use more than:

(1) *IFQ regulatory area 2C.* 599,799 units of halibut QS.

(2) *IFQ regulatory areas 2C, 3A, and 3B.* 1,502,823 units of halibut QS.

(3) *IFQ regulatory areas 4A, 4B, 4C, 4D, and 4E.* 495,044 units of halibut QS.

(g) *Limitations on QS blocks.*—(1) *Number of blocks per species.* (i) Except as provided in paragraph (g)(1)(ii) of this section, no person, individually or collectively, may hold more than two blocks for each species in any IFQ regulatory area.

(ii) If that person, individually or collectively, holds unblocked QS for a species in an IFQ regulatory area, such person may only hold one QS block for that species in that IFQ regulatory area.

(2) *Holding or to hold blocks of QS.* For purposes of this section, “holding” or “to hold” blocks of QS means being registered by NMFS as the person who received QS by initial assignment or approved transfer.

(h) *Vessel limitations.*—(1) *Halibut.* (i) Except as provided in paragraph (h)(1)(ii) of this section, no vessel may be used, during any fishing year, to harvest more than one-half percent of the combined total catch limits of halibut for IFQ regulatory areas 2C, 3A, 3B, 4A, 4B, 4C, 4D, and 4E.

(ii) In IFQ regulatory area 2C, no vessel may be used to harvest more than 1 percent of the halibut catch limit for this area.

(2) *Sablefish.* (i) Except as provided in paragraph (h)(2)(ii) of this section, no vessel may be used, during any fishing year, to harvest more than 1 percent of the combined fixed gear TAC of sablefish for the GOA and BSAI IFQ regulatory areas.

(ii) In the IFQ regulatory area east of 140° W. long., no vessel may be used to harvest more than 1 percent of the fixed gear TAC of sablefish for this area.

(3) *Excess.* A person who receives an approved IFQ allocation of halibut or sablefish in excess of these limitations may nevertheless catch and retain all of that IFQ with a single vessel. However, two or more persons may not catch and retain their IFQs with one vessel in excess of these limitations.

(i) *Use of IFQ resulting from QS assigned to vessel categories B, C, or D by individuals.* In addition to the requirements of paragraph (c) of this section, IFQ cards issued for IFQ resulting from QS assigned to vessel categories B, C, or D must be used only by the individual who holds the QS from which the associated IFQ is derived, except as provided in paragraph (i)(1) of this section.

(1) An individual who received an initial allocation of QS assigned to categories B, C, or D does not have to be aboard the vessel on which his or her

IFQ is being fished or to sign IFQ landing reports if that individual owns at least a 20-percent interest in the vessel and is represented on the vessel by a master employed by that individual. NMFS will determine ownership interest for purposes of this paragraph only on the basis of written documentation. This minimum 20-percent ownership requirement does not apply to any individual who received an initial allocation of QS assigned to categories B, C, or D and who, prior to April 17, 1997, employed a master to fish any of the IFQ issued to that individual, provided the individual continues to own the vessel from which the IFQ is being fished at no lesser percentage of ownership interest than that held on April 17, 1997, and provided that this individual has not acquired additional QS through transfer after September 23, 1997.

(2) The exemption provided in paragraph (i)(1) of this section does not apply to individuals who receive an initial allocation of QS assigned to vessel categories B, C, or D for halibut in IFQ regulatory area 2C or for sablefish QS in the IFQ regulatory area east of 140° W. long., and this exemption is not transferrable.

(j) *Use of IFQ resulting from QS assigned to vessel categories B, C, or D by corporations and partnerships.* Except as provided in paragraph (j)(5) of this section, a corporation or partnership that received an initial allocation of QS assigned to categories B, C, or D may fish the IFQ resulting from that QS and any additional QS acquired within the limitations of this section provided that the corporation or partnership owns at least a 20-percent interest in the vessel on which its IFQ is fished, and that it is represented on the vessel by a master employed by the corporation or partnership that received the initial allocation of QS. NMFS will determine ownership interest for purposes of this paragraph only on the basis of written documentation. This provision is not transferrable and does not apply to QS assigned to vessel categories B, C, or D for halibut in IFQ regulatory area 2C or for sablefish in the IFQ regulatory area east of 140° W. long. that is transferred to a corporation or partnership. Such transfers of additional QS within these areas must be to an individual

pursuant to §679.41(c) of this part and be used pursuant to paragraphs (c) and (i) of this section.

(1) A corporation or partnership, except for a publicly-held corporation, that receives an initial allocation of QS assigned to vessel categories B, C, or D loses the exemption provided under paragraph (j) of this section on the effective date of a change in the corporation or partnership from that which existed at the time of initial allocation.

(2) For purposes of this paragraph (j), “a change in the corporation or partnership” means the addition of any new shareholder(s) or partner(s), except that a court appointed trustee to act on behalf of a shareholder or partner who becomes incapacitated is not a change in the corporation or partnership.

(3) The Regional Administrator must be notified of a change in a corporation or partnership as defined in this paragraph (j) within 15 days of the effective date of the change. The effective date of change, for purposes of this paragraph (j), is the date on which the new shareholder(s) or partner(s) may realize any corporate liabilities or benefits of the corporation or partnership.

(4) QS assigned to vessel categories B, C, or D and IFQ resulting from that QS held in the name of a corporation or partnership that changes, as defined in this paragraph, must be transferred to an individual, as prescribed in §679.41 of this part, before it may be used at any time after the effective date of the change.

(5) A corporation or a partnership that received an initial allocation of QS assigned to categories B, C, or D and that, prior to April 17, 1997, employed a master to fish any of the IFQ issued to that corporation or partnership may continue to employ a master to fish its IFQ on a vessel owned by the corporation or partnership provided that the corporation or partnership continues to own the vessel at no lesser percentage of ownership interest than that held on April 17, 1997, and provided that corporation or partnership did not acquire additional QS through transfer after September 23, 1997.

(k) *Processing of fish other than IFQ halibut and IFQ sablefish.* Fish other

than IFQ halibut or IFQ sablefish may be processed on a vessel on which persons:

(1) Are authorized to harvest IFQ halibut or IFQ sablefish based on allocations of IFQ resulting from QS assigned to vessel category A; or

(2) Are authorized to harvest IFQ sablefish based on allocations of IFQ resulting from QS assigned to vessel categories B or C unless any person aboard the vessel is authorized to harvest IFQ halibut based on allocations of IFQ resulting from QS assigned to vessel categories B, C, or D.

[61 FR 31230, June 19, 1996, as amended at 61 FR 33385, June 27, 1996; 61 FR 43314, Aug. 22, 1996; 62 FR 7948, Feb. 21, 1997; 62 FR 19690, Apr. 23, 1997; 62 FR 60669, Nov. 12, 1997; 62 FR 66311, Dec. 18, 1997; 63 FR 11167, Mar. 6, 1998; 63 FR 47368, Sept. 4, 1998; 63 FR 54611, Oct. 13, 1998; 64 FR 24962, May 10, 1999; 64 FR 61982, Nov. 15, 1999]

§ 679.43 Determinations and appeals.

(a) *General.* This section describes the procedure for appealing initial administrative determinations made under this subpart as well as § 679.4(c), § 679.4(g), and portions of subpart C of this part that apply to the halibut and sablefish CDQ program.

(b) *Who may appeal.* Any person whose interest is directly and adversely affected by an initial administrative determination may file a written appeal. For purposes of this section, such persons will be referred to as “applicant” or “appellant.”

(c) *Submission of appeals.* Appeals must be in writing and must be submitted in original form to the Regional Administrator. Contact the Regional Administrator for appeals address. Appeals transmitted by electronic means will not be accepted.

(d) *Timing of appeals.* (1) If an applicant appeals an initial administrative determination, the appeal must be filed not later than 60 days after the date the determination is issued.

(2) The time period within which an appeal may be filed begins to run on the date the initial administrative determination is issued. If the last day of the time period is a Saturday, Sunday, or Federal holiday, the time period will extend to the close of business on the next business day.

(e) *Address of record.* NMFS will establish as the address of record the address used by the applicant in initial correspondence to Chief, RAM Division, after the application period has begun. Notifications of all actions affecting the applicant after establishing an address of record will be mailed to that address, unless the applicant provides NMFS, in writing, with any changes to that address. NMFS bears no responsibility if a notification is sent to the address of record and is not received because the applicant’s actual address has changed without notification to NMFS.

(f) *Statement of reasons for appeals.* Applicants must timely submit a full written statement in support of the appeal, including a concise statement of the reasons the initial administrative determination has a direct and adverse effect on the applicant and should be reversed or modified. If the applicant requests a hearing on any issue presented in the appeal, such request for hearing must be accompanied by a concise written statement raising genuine and substantial issues of adjudicative fact for resolution and a list of available and specifically identified reliable evidence upon which the factual issues can be resolved. The appellate officer will limit his/her review to the issues stated in the appeal; all issues not set out in the appeal will be waived.

(g) *Hearings.* The appellate officer will review the applicant’s appeal and request for hearing, and has discretion to proceed as follows:

(1) Deny the appeal;

(2) Issue a decision on the merits of the appeal, if the record contains sufficient information on which to reach final judgment; or

(3) Order that a hearing be conducted. The appellate officer may so order only if the appeal demonstrates the following:

(i) There is a genuine and substantial issue of adjudicative fact for resolution at a hearing. A hearing will not be ordered on issues of policy or law.

(ii) The factual issue can be resolved by available and specifically identified reliable evidence. A hearing will not be ordered on the basis of mere allegations or denials or general descriptions of positions and contentions.

(iii) The evidence described in the request for hearing, if established at hearing, would be adequate to justify resolution of the factual issue in the way sought by the applicant. A hearing will not be ordered if the evidence described is insufficient to justify the factual determination sought, even if accurate.

(iv) Resolution of the factual issue in the way sought by the applicant is adequate to justify the action requested. A hearing will not be ordered on factual issues that are not determinative with respect to the action requested.

(h) *Types of hearings.* If the appellate officer determines that a hearing should be held to resolve one or more genuine and substantial issues of adjudicative fact, he/she may order:

(1) A written hearing, as provided in paragraph (m) of this section; or

(2) An oral hearing, as provided in paragraph (n) of this section.

(i) *Authority of the appellate officer.* The appellate officer is vested with general authority to conduct all hearings in an orderly manner, including the authority to:

(1) Administer oaths.

(2) Call and question witnesses.

(3) Issue a written decision based on the record.

(j) *Evidence.* All evidence that is relevant, material, reliable, and probative may be included in the record. Formal rules of evidence do not apply to hearings conducted under this section.

(k) *Appellate officers' decisions.* The appellate officer will close the record and issue a decision after determining there is sufficient information to render a decision on the record of the proceedings and that all procedural requirements have been met. The decision must be based solely on the record of the proceedings. Except as provided in paragraph (o) of this section, an appellate officer's decision takes effect 30 days after it is issued and, upon taking effect, is the final agency action for purposes of judicial review.

(l) *Disqualification of an appellate officer.* (1) The appellate officer will withdraw from an appeal at any time he/she deems himself/herself disqualified.

(2) The appellate officer may withdraw from an appeal on an appellant's motion if:

(i) The motion is entered prior to the appellate officer's issuance of a decision; and

(ii) The appellant demonstrates that the appellate officer has a personal bias or any other basis for disqualification.

(3) If the appellate officer denies a motion to withdraw, he/she will so rule on the record.

(m) *Written hearing.* (1) An appellate officer may order a written hearing under paragraph (h)(1) of this section if he/she:

(i) Orders a hearing as provided in paragraph (g)(3) of this section; and

(ii) Determines that the issues to be resolved at hearing can be resolved by allowing the appellant to present written materials to support his/her position.

(2) After ordering a written hearing, the appellate officer will:

(i) Provide the appellant with notification that a written hearing has been ordered.

(ii) Provide the appellant with a statement of issues to be determined at hearing.

(iii) Provide the appellant with 30 days to file a written response. The appellant may also provide documentary evidence to support his/her position. The period to file a written response may be extended at the sole discretion of the appellate officer, if the appellant shows good cause for the extension.

(3) The appellate officer may, after reviewing the appellant's written response and documentary evidence:

(i) Order that an oral hearing be held, as provided in paragraph (h)(2) of this section, to resolve issues that cannot be resolved through the written hearing process;

(ii) Request supplementary evidence from the appellant before closing the record; or

(iii) Close the record.

(4) The appellate officer will close the record and issue a decision after determining that the information on the record is sufficient to render a decision.

(n) *Oral hearing.* (1) The appellate officer may order an oral hearing under paragraphs (h)(2) and (m)(3)(i) of this section if he/she:

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(i) Orders a hearing as provided in paragraph (g)(3) of this section; and

(ii) Determines that the issues to be resolved at hearing can best be resolved through the oral hearing process.

(2) After ordering an oral hearing, the appellate officer will:

(i) Provide the appellant with notification that an oral hearing has been ordered.

(ii) Provide the appellant with a statement of issues to be determined at hearing.

(iii) Provide the appellant with notification, at least 30 days in advance, of the place, date, and time of the oral hearing. Oral hearings will be held in Juneau, AK, at the prescribed date and time, unless the appellate officer determines, based upon good cause shown, that a different place, date, or time will better serve the interests of justice. A continuance of the oral hearing may be ordered at the sole discretion of the appellate officer if the appellant shows good cause for the continuance.

(3) The appellate officer may, either at his/her own discretion or on the motion of the appellant, order a pre-hearing conference, either in person or telephonically, to consider:

(i) The simplification of issues.

(ii) The possibility of obtaining stipulations, admissions of facts, and agreements to the introduction of documents.

(iii) The possibility of settlement or other means to facilitate resolution of the case.

(iv) Such other matters as may aid in the disposition of the proceedings.

(4) The appellate officer must provide the appellant with notification of a pre-hearing conference, if one is ordered, at least 30 days in advance of the conference. All action taken at the pre-hearing conference will be made part of the record.

(5) At the beginning of the oral hearing, the appellate officer may first seek to obtain stipulations as to material facts and the issues involved and may state any other issues on which he/she may wish to have evidence presented. Issues to be resolved at the hearing will be limited to those identified by the appellate officer as provided in paragraph (g)(3) of this section. The ap-

pellant will then be given an opportunity to present his/her case.

(6) During the oral hearing, the appellant has the right to present reliable and material oral or documentary evidence and to conduct such cross-examination as may be required in the interests of justice.

(7) After the conclusion of the oral hearing, the appellant may be given time by the appellate officer to submit any supplementary information that may assist in the resolution of the case.

(8) The appellate officer will close the record and issue a decision after determining that the information on the record is sufficient to render a decision.

(o) *Review by the Regional Administrator.* An appellate officer's decision is subject to review by the Regional Administrator, as provided in this paragraph (o).

(1) The Regional Administrator may affirm, reverse, modify, or remand the appellate officer's decision before the 30-day effective date of the decision provided in paragraph (k) of this section.

(2) The Regional Administrator may take any of these actions on or after the 30-day effective date by issuing a stay of the decision before the 30-day effective date. An action taken under paragraph (o)(1) of this section takes effect immediately.

(3) The Regional Administrator must provide a written explanation why an appellate officer's decision has been reversed, modified, or remanded.

(4) The Regional Administrator must promptly notify the appellant(s) of any action taken under this paragraph (o).

(5) The Regional Administrator's decision to affirm, reverse, or modify an appellate officer's decision is a final agency action for purposes of judicial review.

(p) *Issuance of a non-transferable license.* A non-transferable license will be issued to a person upon acceptance of his or her appeal of an initial administrative determination denying an application for a license for license limitation groundfish or crab species under § 679.4(k). This non-transferable license authorizes a person to conduct directed

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fishing for groundfish or directed fishing for crab species and will have specific endorsements and designations based on the person's claims in his or her application for a license. This non-transferable license expires upon the resolution of the appeal.

[61 FR 31230, June 19, 1996, as amended at 62 FR 17753, Apr. 11, 1997; 63 FR 52657, Oct. 1, 1998; 63 FR 64879, Nov. 24, 1998]

§ 679.44 Penalties.

Any person committing, or a fishing vessel used in the commission of, a violation of the Magnuson-Stevens Act or Halibut Act, or any regulation issued under the Magnuson-Stevens Act or Halibut Act, is subject to the civil and criminal penalty provisions and civil forfeiture provisions of the Magnuson-Stevens Act or Halibut Act, to part 600 of this chapter, to 15 CFR part 904 (Civil Procedures), and to other applicable law. Penalties include but are not limited to permanent or temporary sanctions to QS and associated IFQ.

§ 679.45 IFQ cost recovery program.

(a) *Cost recovery fees*—(1) *Responsibility*. The person documented on the IFQ permit as the permit holder at the time of an IFQ landing must comply with the requirements of this section. Subsequent transfer of QS or IFQ does not affect the permit holder's liability for noncompliance with this section.

(2) *IFQ Fee Liability Determination*. After each IFQ fishing year, the Regional Administrator will issue each IFQ permit holder a summary of his or her IFQ pounds landed during that IFQ fishing year for each permit as part of the IFQ Landing and Estimated Fee Liability page described at § 679.5(l)(7)(ii)(C)(2). The summary will include an estimated IFQ fee liability based on the standard ex-vessel values of the landings. The summary and estimated fee liability will include details of IFQ equivalent pounds landed by permit, port or port-group, species, date, and IFQ standard prices. The permit holder must either accept NMFS's estimate of IFQ liability or revise NMFS's estimate of IFQ fee liability using the Fee Submission Form described at § 679.5(l)(7)(ii). If the permit holder revises NMFS's estimate of his or her fee liability, NMFS may request

in writing that the permit holder submit documentation establishing the factual basis for the revised calculation. If the permit holder fails to provide adequate documentation by the 30th day after the date of such request, NMFS will determine the IFQ permit holder's fee liability based on standard ex-vessel values.

(3) *Fee Collection*. An IFQ permit holder with an IFQ landing is responsible for self-collecting his or her own fee during the calendar year in which the IFQ fish is harvested.

(4) *Payment*—(i) *Payment due date*. An IFQ permit holder must submit his or her IFQ fee liability payment(s) to NMFS at the address provided in this section at paragraph (a)(4)(iii) of this section not later than January 31 of the year following the calendar year in which the IFQ landings were made.

(ii) *Payment recipient*. Make payment payable to NMFS.

(iii) *Payment address*. Mail payment and related documents to: Administrator, Alaska Region, NMFS, Attn: RAM Program, P.O. Box 21668, Juneau, AK 99802-1668, Facsimile: (907) 586-7354.

(iv) *Payment method*. Payment must be made by personal check drawn on a U.S. bank account, money order, or bank certified check.

(b) *IFQ ex-vessel value determination and use*—(1) *General*. An IFQ permit holder must use either the IFQ standard ex-vessel value or the IFQ actual ex-vessel value when determining the IFQ fee liability based on ex-vessel value. An IFQ permit holder must base all fee liability calculations on the ex-vessel value that correlates to landed IFQ fish that is recorded in IFQ equivalent pounds.

(2) *IFQ actual ex-vessel value*. An IFQ permit holder that uses actual ex-vessel value, as defined in § 679.2, to determine IFQ fee liability must document actual ex-vessel value for each IFQ permit.

(c) *IFQ standard ex-vessel value determination and use*—(1) *Use of standard price*. An IFQ permit holder that uses standard ex-vessel value to determine the IFQ fee liability as part of a revised IFQ fee liability submission must use the corresponding standard price(s) as published in the FEDERAL REGISTER.

(2) *Duty to publish list*—(i) *General*. Each year the Regional Administrator will publish IFQ standard prices in the FEDERAL REGISTER during the last quarter of each calendar year. The standard prices will be described in U.S. dollars per IFQ equivalent pound, for IFQ halibut and sablefish landings made during the current calendar year.

(ii) *Effective duration*. The IFQ standard prices will remain in effect until revised by the Regional Administrator by notification in the FEDERAL REGISTER based upon new information of the type set forth in this section. IFQ standard prices published in the FEDERAL REGISTER by NMFS shall apply to all landings made in the same calendar year as the IFQ standard price publication and shall replace any IFQ standard prices previously provided by NMFS that may have been in effect for that same calendar year.

(iii) *Determination*. NMFS will calculate the IFQ standard prices to reflect, as closely as possible by month and port or port-group, the variations in the actual ex-vessel values of IFQ halibut and IFQ sablefish landings based on information provided in the IFQ Buyer Reports as described in § 679.5(l)(7)(i). The Regional Administrator will base IFQ standard prices on the following types of information:

(A) Landed pounds by IFQ species, port-group, and month;

(B) Total ex-vessel value by IFQ species, port-group, and month; and

(C) Price adjustments, including IFQ retro-payments.

(d) *IFQ fee percentage*.—(1) *Default percentage*. The IFQ fee percentage is 3 percent (0.03) unless adjusted by the Regional Administrator by publication in the FEDERAL REGISTER in accordance with § 679.45(d)(3).

(2) *Calculating fee percentage value*. Each year the Regional Administrator will calculate the fee percentage.

(i) *Factors*. In making the calculations the Regional Administrator will consider the following factors:

(A) The catch to which the IFQ fee will apply;

(B) The projected ex-vessel value of that catch;

(C) The costs directly related to the management and enforcement of the IFQ program;

(D) The funds available for the IFQ program in the Limited Access System Administrative Fund (LASAF); and

(E) Nonpayment of fee liabilities.

(ii) *Methodology*. In making the calculation, the Regional Administrator will use the methodology described here.

$$[100 \times (DPC - AB) / V] / (1 - NPR)$$
 where:

DPC is the direct program costs for the IFQ fishery for the previous fiscal year,

AB is the projected end of the year LASAF account balance for the IFQ program,

V is the projected ex-vessel value of the catch subject to the IFQ fee for the current year, and

NPR is the fraction of the fee assessments that is expected to result in non-payment.

(3) *Adjustments*. (i) *General*. During or before the last quarter of each year, the Regional Administrator will consider adjusting the IFQ fee percentage. Consideration will be based on the calculations described in § 679.45(d)(2). The Regional Administrator may reduce the IFQ fee percentage at any time based on new information of the type set forth in § 679.45(d)(2).

(ii) *In-season effective period*. An in-season reduction in the IFQ fee percentage supersedes the IFQ fee percentage previously in effect for the calendar year and remains in effect through the end of the calendar year in which it was determined unless otherwise adjusted by the Regional Administrator.

(4) *Publication*. The Regional Administrator will publish notification in the FEDERAL REGISTER any adjustment of the IFQ fee percentage.

(5) *Applicable percentage*. The IFQ permit holder must use the IFQ fee percentage in effect at the time an IFQ landing is made to calculate his or her fee liability for such landed IFQ pounds unless the percentage is subsequently adjusted as described in § 679.45(d)(3). The IFQ permit holder must use the IFQ percentage in effect at the time an IFQ retro-payment is received by the IFQ permit holder to calculate his or her IFQ fee liability for the IFQ retro-payment.

(e) *Non-payment of fee.* If an IFQ permit holder does not submit a complete Fee Submission Form and corresponding payment by the due date described in § 679.45(a)(2) and (3), the Regional Administrator may:

(1) At any time thereafter send an IAD to the IFQ permit holder stating that the IFQ permit holder's estimated fee liability, as calculated by the Regional Administrator and sent to the IFQ permit holder pursuant to § 679.45(a)(2) is the amount of IFQ fee due from the IFQ permit holder.

(2) Disapprove any transfer of IFQ or QS to or from the IFQ permit holder in accordance with § 679.41(c)(8)(i). Upon final agency action determining that an IFQ permit holder has not paid his or her IFQ fee liability, any IFQ fishing permit held by the IFQ permit holder is not valid until all IFQ fee liabilities are paid. If payment is not received by the 30th day after the final agency action, the matter will be referred to the appropriate authorities for purposes of collection.

(f) *Underpayment of IFQ fee.* (1) When an IFQ permit holder has incurred a fee liability and made a timely payment to NMFS of an amount less than the NMFS estimated IFQ fee liability, the Regional Administrator will review the Fee Submission Form and related documentation submitted by the IFQ permit holder. If the Regional Administrator determines that the IFQ permit holder has not paid a sufficient amount, the Regional Administrator may disapprove any transfer of IFQ or QS to or from the IFQ permit holder in accordance with § 679.41(c)(4). The Regional Administrator will notify the IFQ permit holder by letter that an insufficient amount has been paid and that the IFQ permit holder has 30 days from the date of the letter to either pay the amount determined to be due or provide additional documentation to prove that the amount paid was the correct amount. The Regional Administrator will evaluate any additional documentation submitted by an IFQ permit holder in support of his or her payment. If the Regional Administrator determines that the additional documentation does not meet the IFQ permit holder's burden of proving his or her payment is correct, the Regional

Administrator will send the permit holder an IAD indicating that the permit holder did not meet the burden of proof to change the IFQ fee liability as calculated by the Regional Administrator based upon the IFQ standard ex-vessel value.

(2) After expiration of the 30-day period, the Regional Administrator will issue an IAD and notify the IFQ permit holder. The IAD will set out the facts and indicate the deficiencies in the documentation submitted by the permit holder. An IFQ permit holder who receives an IAD may appeal pursuant to § 679.43. In an appeal of an IAD made under this section, the IAD permit holder has the burden of proving his or her claim.

(3) If the permit holder fails to file an appeal of the IAD pursuant to § 679.43, the IAD will become the final agency action. If the IAD is appealed and the final agency action is a determination that additional sums are due from the IFQ permit holder, the IFQ permit holder must pay any IFQ fee amount determined to be due not later than 30 days from the issuance of the final agency action. Once a fee liability determination becomes final, any IFQ fishing permit held by the IFQ permit holder will be deemed not valid until all IFQ fee liabilities have been paid. If payment is not received by the 30th day after the final agency action, the matter will be referred to the appropriate authorities for purposes of collection.

(g) *Over payment.* Upon issuance of final agency action, any amount submitted to NMFS in excess of the IFQ fee liability determined to be due by the final agency action will be returned to the IFQ permit holder unless the permit holder requests the agency to credit the excess amount against the IFQ permit holder's future IFQ fee liability.

(h) *Appeals and requests for reconsideration.* An IFQ permit holder who receives an IAD may either appeal the IAD pursuant to § 679.43 or request reconsideration. Within 60 days from the date of issuance of the IAD, the Regional Administrator may undertake a reconsideration of the IAD on his or

her own initiative. If a request for reconsideration is submitted or the Regional Administrator initiates a reconsideration, the 60-day period for appeal under § 679.43 will begin anew upon issuance of the Regional Administrator's reconsidered IAD. The Regional Administrator may undertake only one reconsideration of the IAD, if any. If an IFQ permit holder fails to file an appeal of the IAD pursuant to § 679.43, the IAD will become the final agency action. In any appeal or reconsideration of an IAD made under this section, an IFQ permit holder has the burden of proving his or her claim.

(i) *Annual report.* NMFS will publish annually a report describing the status of the IFQ Cost Recovery Program.

[65 FR 14924, Mar. 20, 2000]

Subpart E—Groundfish Observer Program

SOURCE: 61 FR 56431, Nov. 1, 1996, unless otherwise noted.

§ 679.50 Groundfish Observer Program applicable through December 31, 2000.

(a) *General.* Operators of vessels possessing a Federal fisheries permit under § 679.4(b)(1) and processors that possess a Federal processor permit under § 679.4(f)(1), must comply with this section. The owner of a fishing vessel subject to this part or a processor subject to this part must ensure that the operator or manager complies with this section and is jointly and severally liable for such compliance. Observer coverage for the CDQ fisheries obtained in compliance with paragraphs (c)(4) and (d)(4) of this section may not be used to comply with observer coverage requirements for non-CDQ groundfish fisheries specified in this section.

(b) *Purpose.* The purpose of the Groundfish Observer Program is to allow observers to collect Alaska fisheries data deemed by the Regional Administrator to be necessary and appropriate for management, compliance monitoring, and research of groundfish fisheries and for the conservation of marine resources or their environment.

(c) *Observer requirements for vessels.* (1) Observer coverage is required as follows:

(i) A mothership of any length that processes 1,000 mt or more in round-weight equivalent of groundfish during a calendar month is required to have an observer aboard the vessel each day it receives or processes groundfish during that month.

(ii) A mothership of any length that processes from 500 mt to 1,000 mt in round-weight equivalent of groundfish during a calendar month is required to have an observer aboard the vessel at least 30 percent of the days it receives or processes groundfish during that month.

(iii) Each mothership that receives pollock harvested by catcher vessels in the catcher vessel operational area during the second pollock season that starts on September 1 under § 679.23(e)(2) is required to have a second observer aboard, in addition to the observer required under paragraphs (c)(1) (i) and (ii) of this section, for each day of the second pollock season until the chum salmon savings area is closed under § 679.21(e)(7)(vi), or October 15, whichever occurs first.

(iv) A catcher/processor or catcher vessel 125 ft (38.1 m) LOA or longer must carry an observer during 100 percent of its fishing days except for a vessel fishing for groundfish with pot gear as provided in paragraph (c)(1)(vii) of this section.

(v) A catcher/processor or catcher vessel equal to or greater than 60 ft (18.3 m) LOA, but less than 125 ft (38.1 m) LOA, that participates for more than 3 fishing days in a directed fishery for groundfish in a calendar quarter must carry an observer during at least 30 percent of its fishing days in that calendar quarter and at all times during at least one fishing trip in that calendar quarter for each of the groundfish fishery categories defined under paragraph (c)(2) of this section in which the vessel participates.

(vi) A catcher/processor or catcher vessel fishing with hook-and-line gear that is required to carry an observer under paragraph (c)(1)(v) of this section must carry an observer during at least one entire fishing trip using hook-and-line gear in the Eastern Regulatory

SEC. 303. CONTENTS OF FISHERY MANAGEMENT PLANS 16 U.S.C. 1853

95-354, 99-659, 101-627, 104-297

(a) REQUIRED PROVISIONS.--Any fishery management plan which is prepared by any Council, or by the Secretary, with respect to any fishery, shall--

(1) contain the conservation and management measures, applicable to foreign fishing and fishing by vessels of the United States, which are--

(A) necessary and appropriate for the conservation and management of the fishery to prevent overfishing and rebuild overfished stocks, and to protect, restore, and promote the long-term health and stability of the fishery;

(B) described in this subsection or subsection (b), or both; and

(C) consistent with the national standards, the other provisions of this Act, regulations implementing recommendations by international organizations in which the United States participates (including but not limited to closed areas, quotas, and size limits), and any other applicable law;

(2) contain a description of the fishery, including, but not limited to, the number of vessels involved, the type and quantity of fishing gear used, the species of fish involved and their location, the cost likely to be incurred in management, actual and potential revenues from the fishery, any recreational interest in the fishery, and the nature and extent of foreign fishing and Indian treaty fishing rights, if any;

(3) assess and specify the present and probable future condition of, and the maximum sustainable yield and optimum yield from, the fishery, and include a summary of the information utilized in making such specification;

(4) assess and specify--

(A) the capacity and the extent to which fishing vessels of the United States, on an annual basis, will harvest the optimum yield specified under paragraph (3),

(B) the portion of such optimum yield which, on an annual basis, will not be harvested by fishing vessels of the United States and can be made available for foreign fishing, and

(C) the capacity and extent to which United States fish processors, on an annual basis, will process that portion of such optimum yield that will be harvested by fishing vessels of the United States;

(5) specify the pertinent data which shall be submitted to the Secretary with respect to commercial, recreational, and charter fishing in the fishery, including, but not limited to,

information regarding the type and quantity of fishing gear used, catch by species in numbers of fish or weight thereof, areas in which fishing was engaged in, time of fishing, number of hauls, and the estimated processing capacity of, and the actual processing capacity utilized by, United States fish processors;

(6) consider and provide for temporary adjustments, after consultation with the Coast Guard and persons utilizing the fishery, regarding access to the fishery for vessels otherwise prevented from harvesting because of weather or other ocean conditions affecting the safe conduct of the fishery; except that the adjustment shall not adversely affect conservation efforts in other fisheries or discriminate among participants in the affected fishery;

(7) describe and identify essential fish habitat for the fishery based on the guidelines established by the Secretary under section 305(b)(1)(A), minimize to the extent practicable adverse effects on such habitat caused by fishing, and identify other actions to encourage the conservation and enhancement of such habitat;

(8) in the case of a fishery management plan that, after January 1, 1991, is submitted to the Secretary for review under section 304(a) (including any plan for which an amendment is submitted to the Secretary for such review) or is prepared by the Secretary, assess and specify the nature and extent of scientific data which is needed for effective implementation of the plan;

(9) include a fishery impact statement for the plan or amendment (in the case of a plan or amendment thereto submitted to or prepared by the Secretary after October 1, 1990) which shall assess, specify, and describe the likely effects, if any, of the conservation and management measures on--

(A) participants in the fisheries and fishing communities affected by the plan or amendment; and

(B) participants in the fisheries conducted in adjacent areas under the authority of another Council, after consultation with such Council and representatives of those participants;

(10) specify objective and measurable criteria for identifying when the fishery to which the plan applies is overfished (with an analysis of how the criteria were determined and the relationship of the criteria to the reproductive potential of stocks of fish in that fishery) and, in the case of a fishery which the Council or the Secretary has determined is approaching an overfished condition or is overfished, contain conservation and management measures to prevent overfishing or end overfishing and rebuild the fishery;

(11) establish a standardized reporting methodology to assess the amount and type of bycatch occurring in the fishery, and include conservation and management measures that, to the extent practicable and in the following priority--

(A) minimize bycatch; and

(B) minimize the mortality of bycatch which cannot be avoided;

(12) assess the type and amount of fish caught and released alive during recreational fishing under catch and release fishery management programs and the mortality of such fish, and include conservation and management measures that, to the extent practicable, minimize mortality and ensure the extended survival of such fish;

(13) include a description of the commercial, recreational, and charter fishing sectors which participate in the fishery and, to the extent practicable, quantify trends in landings of the managed fishery resource by the commercial, recreational, and charter fishing sectors; and

(14) to the extent that rebuilding plans or other conservation and management measures which reduce the overall harvest in a fishery are necessary, allocate any harvest restrictions or recovery benefits fairly and equitably among the commercial, recreational, and charter fishing sectors in the fishery.

97-453, 99-659, 101-627, 102-251, 104-297

(b) DISCRETIONARY PROVISIONS.--Any fishery management plan which is prepared by any Council, or by the Secretary, with respect to any fishery, may--

(1) require a permit to be obtained from, and fees to be paid to, the Secretary, with respect to--

(A) any fishing vessel of the United States fishing, or wishing to fish, in the exclusive economic zone [or special areas,]* or for anadromous species or Continental Shelf fishery resources beyond such zone [or areas]*;

(B) the operator of any such vessel; or

(C) any United States fish processor who first receives fish that are subject to the plan;

(2) designate zones where, and periods when, fishing shall be limited, or shall not be permitted, or shall be permitted only by specified types of fishing vessels or with specified types and quantities of fishing gear;

(3) establish specified limitations which are necessary and appropriate for the conservation and management of the fishery on the--

(A) catch of fish (based on area, species, size, number, weight, sex, bycatch, total biomass, or other factors);

(B) sale of fish caught during commercial, recreational, or charter fishing, consistent with any applicable Federal and State safety and quality requirements; and

(C) transshipment or transportation of fish or fish products under permits issued pursuant to section 204;

(4) prohibit, limit, condition, or require the use of specified types and quantities of fishing gear, fishing vessels, or equipment for such vessels, including devices which may be required to facilitate enforcement of the provisions of this Act;

(5) incorporate (consistent with the national standards, the other provisions of this Act, and any other applicable law) the relevant fishery conservation and management measures of the coastal States nearest to the fishery;

(6) establish a limited access system for the fishery in order to achieve optimum yield if, in developing such system, the Council and the Secretary take into account--

(A) present participation in the fishery,

(B) historical fishing practices in, and dependence on, the fishery,

(C) the economics of the fishery,

(D) the capability of fishing vessels used in the fishery to engage in other fisheries,

(E) the cultural and social framework relevant to the fishery and any affected fishing communities, and

(F) any other relevant considerations;

(7) require fish processors who first receive fish that are subject to the plan to submit data (other than economic data) which are necessary for the conservation and management of the fishery;

(8) require that one or more observers be carried on board a vessel of the United States engaged in fishing for species that are subject to the plan, for the purpose of collecting data necessary for the conservation and management of the fishery; except that such a vessel shall not be required to carry an observer on board if the facilities of the vessel for the quartering of an observer, or for carrying out observer functions, are so inadequate or unsafe that the health or safety of the observer or the safe operation of the vessel would be jeopardized;

(9) assess and specify the effect which the conservation and management measures of the plan will have on the stocks of naturally spawning anadromous fish in the region;

(10) include, consistent with the other provisions of this Act, conservation and management measures that provide harvest incentives for participants within each gear group to employ fishing practices that result in lower levels of bycatch or in lower levels of the mortality of bycatch;

(11) reserve a portion of the allowable biological catch of the fishery for use in scientific research; and

(12) prescribe such other measures, requirements, or conditions and restrictions as are determined to be necessary and appropriate for the conservation and management of the fishery.

97-453, 104-297

I. Abstract

Fishermen participating on the Pacific albacore tuna fishery are asked to voluntarily complete and submit logbooks documenting their catch and effort on fishing trips. Persons possessing High Seas Fishing Compliance Act permits are required to submit such logbooks. The information obtained is used by the agency to assess the status of albacore stocks and to monitor the fishery.

II. Method of Collection

A logbook form is used.

III. Data

OMB Number: 0648-0223.

Form Number: NOAA Form 88-197.

Type of Review: Regular submission.

Affected Public: Business and other for-profit organizations.

Estimated Number of Respondents: 200.

Estimated Time Per Response: 1 hour for a trip logbook.

Estimated Total Annual Burden Hours: 400.

Estimated Total Annual Cost to Public: \$128.

IV. Request for Comments

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: June 8, 2001.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 01-15056 Filed 6-13-01; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration**

[I.D. 061101C]

Cooperative Tagging Center; Fish Tagging Report

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Proposed information collection; comment request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Pub. L. 104-13 (44 U.S.C. 3506 (c)(2)(A)).

DATES: Written comments must be submitted on or before July 16, 2001.

ADDRESSES: Direct all written comments to Madeleine Clayton, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6086, 14th and Constitution Avenue NW, Washington DC 20230 (or via Internet at MClayton@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Dr. Eric D. Prince, F/ SEC2, Room 320A, 75 Virginia Beach Drive, Miami, FL 33149-1003 (phone 305-361-4248).

SUPPLEMENTARY INFORMATION:**I. Abstract**

The Cooperative Tagging Center attempts to determine the migratory patterns and other biological information about billfish, tunas, and other game fish. Volunteer anglers are asked to tag and release their catch. Anglers provide information about the fish tagged and the location of tagging.

II. Method of Collection

Respondents fill out and mail in a Fish Tagging Report card when they tag a fish.

III. Data

OMB Number: 0648-0247.

Form Number: NOAA Form 88-162.

Type of Review:

Affected Public: Individuals or households.

Estimated Number of Respondents: 12,000.

Estimated Time Per Response: 2 minutes.

Estimated Total Annual Burden Hours: 360.

Estimated Total Annual Cost to Public: \$0.

IV. Request for Comments

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: June 8, 2001.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 01-15057 Filed 6-13-01; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration**

[061101G]

Individual Fishing Quotas Program for Pacific Halibut and Sablefish in the Alaska Fisheries

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Proposed information collection; comment request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Pub. L. 104-13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before August 13, 2001.

ADDRESSES: Direct all written comments to Madeleine Clayton, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6086,

14th and Constitution Avenue NW, Washington DC 20230 (or via Internet at MClayton@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Patsy A. Bearden, F/AKR2, P.O. Box 21668, Juneau, AK 99802-1668 (telephone 907-586-7008).

SUPPLEMENTARY INFORMATION:

I. Abstract

The Individual Fishery Quota (IFQ) program, established by Amendment 15 to the Bering Sea and Aleutian Islands Fishery Management Plan and Amendment 20 to the Gulf of Alaska Fishery Management Plan, and implemented by regulations at 50 CFR part 679, commenced in March 1995. The IFQ program allocates annual total catch limits for the halibut and sablefish fisheries among individual fishermen. Fishermen are assigned Quota Shares (QS) for the fisheries, and then annually receive an IFQ. This statement supports the renewal of certain requirements necessary for the continued management of the IFQ program. The specific types of reporting required are identified below in the section for "Estimated Time Per Response".

II. Method of Collection

The methods used include paper forms, facsimile transmission of paper forms, telephone notifications, and electronic reporting.

III. Data

OMB Number: 0648-0272.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Not-for-profit institutions, business and other for-profit organizations.

Estimated Number of Respondents: 6,700.

Estimated Time Per Response: IFQ prior notice of landing (12 minutes); IFQ landing report (12 minutes); IFQ departure report (6 minutes); IFQ dockside sale (6 minutes); administrative waiver (6 minutes); request for QS application (30 minutes for an individual, 1 hour for an existing corporation, 2 hours for a dissolved corporation, and 2 hours for a vessel); IFQ vessel clearance report (12 minutes); IFQ shipment report (18 minutes); IFQ transshipment authorization request (12 minutes); QS Designated Beneficiary Form (1 hour); QS/IFQ Transfer Application (2 hours); letter of appeal (4 hours); applications for additional IFQ cards (30 minutes); application for crew member eligibility

(2 hours); application for replacement cards (30 minutes); Register Buyer Permit Application (30 minutes); request for a transaction terminal (30 minutes); and identification of ownership interest by corporations and partnerships (2 hours for initial submission and 30 minutes for an annual update).

Estimated Total Annual Burden Hours: 22,775.

Estimated Total Annual Cost to Public: \$126,000.

IV. Request for Comments

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: Dated: June 8, 2001.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 01-15061 Filed 6-13-01; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[061101F]

Emergency Beacon Registrations

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Proposed information collection; comment request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Pub. L. 104-13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before August 13, 2001.

ADDRESSES: Direct all written comments to Madeleine Clayton, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6086, 14th and Constitution Avenue NW, Washington DC 20230 (or via the Internet at MClayton@doc.gov).

FOR FURTHER INFORMATION CONTACT:

Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Mr. Ajay Mehta, SARSAT Program Manager, E/SP3, Rm 3320, FB-4 NOAA, 5200 Auth Road, Suitland, MD 20746-4304 (phone 301-457-5678).

SUPPLEMENTARY INFORMATION:

I. Abstract

An international system exists to use satellites to detect and locate ships, aircraft, or individuals in distress if they are equipped with an emergency radio beacon. Persons purchasing such a beacon must register it with NOAA. The data provided by registration can assist in identifying who is in trouble and in suppressing false alarms.

II. Method of Collection

Respondents complete a paper form (also available off of a Web site) and mail or fax the form to NOAA.

III. Data

OMB Number: 0648-0295.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Individuals or households, business or other for-profit organizations, not-for-profit institutions, and state, local, or tribal government.

Estimated Number of Respondents: 10,000.

Estimated Time Per Response: 15 minutes.

Estimated Total Annual Burden Hours: 2,500.

Estimated Total Annual Cost to Public: \$3,000.

IV. Request for Comments

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques